

IOWA
*School Officers
Manual*

1951-1953



Issued by
Office of
COUNTY SUPERINTENDENT



This manual is furnished through the courtesy of your County Superintendent with the hope that it will be a convenience to you in looking up points of school laws as they arise in the administration of your duties as school officer.

Will you kindly pass the booklet on to your successor in office.

CONTENTS

1. Personnel of Department of Public Instruction.
2. Suggested election procedure.
3. Suggested Order of Business for meetings.
4. Summary of new School Laws enacted by 54th G. A.
5. School laws most frequently referred to listed in order of subjects and section numbers. School Laws of Iowa, 1946 and Iowa Code, 1950. All old 1935 and 1939 Iowa Code section numbers changed to conform with chapter numbers.
6. Complete index for quick and convenient reference.
See page 91

Form 52-0

Originated, Compiled and Revised by

C. T. Benson

Clear Lake, Iowa

For use 1951-53

Published and Distributed by

The Hoermann Press

Dubuque, Iowa

Service to Iowa School Officers

List Price 50 cents Per Copy

DEPARTMENT OF PUBLIC INSTRUCTION

Jessie M. Parker, Superintendent
J. P. Street, Deputy Supt., Director of Public
Junior Colleges

R. A. Griffin, Legal Advisor

Administration and Finance—Paul Johnston, Director;
John G. Schultz, Supervisor.

Rural Schools—Ivah Green, Supervisor.

School Lunch Program—C. W. Bangs, Director.

Special Education—W. A. Winterstein, Director.

State Supervisors—Arthur Carpenter, Director of Super-
vision; T. C. Green, Wayne L. Pratt.

Veterans Education—Arthur Roberts, Supervisor.

Transportation Division—W. T. Edgren, Director, I. N.
Seibert, Assistant.

BOARD OF EDUCATIONAL EXAMINERS

Jessie M. Parker, ex-officio—President and Executive Offi-
cer, Des Moines.

J. W. Maucker, President of Iowa State Teachers Col-
lege, Cedar Falls.

Earl Roadman, President of Morningside College, Sioux
City.

Chas. H. Tye, County Superintendent, Orange City.

Fred W. Johansen, Superintendent of Schools, Clarinda.

Wayland W. Osborn, Secretary and Director of Certifica-
tion, Des Moines.

Esther Davidson, Assistant Director of Certification, Des
Moines.

Tom Orr, Supervisor of Certification, Des Moines.

BOARD FOR VOCATIONAL EDUCATION

Jessie M. Parker, Superintendent of Public Instruction,
Chairman and Executive Officer, Des Moines.

Henry C. Shull, President of State Board of Education,
Sioux City.

M. L. Gilbert, Labor Commissioner, Des Moines.

VOCATIONAL EDUCATION

Earl R. Cope, Director.

Agricultural Education—Hampton T. Hall, Supervisor.

Homemaking Education—Louise Keller, Supervisor.

Trade and Industrial Education—Harry W. Carmichael,
Supervisor.

Distributive Education—Irene Friesner, Supervisor.

Guidance Education—Roland G. Ross, Supervisor.

Vocational Rehabilitation Division—Howard L. Benshoff,
Director, 415 Bankers Trust Bldg., Des Moines.

Section Numbers used herein are of Iowa Code
of 1950 and School Laws of Iowa, 1948

ELECTION PROCEDURE

SUBDISTRICT ELECTIONS

Second Monday in March as found in Code Sections 277.1 to 277.21.

1. Subdistricts—Polls open at time specified on notice of election (277.9).

2. Subdirector and two qualified electors selected by voters present serve as judges of election (277.10).

3. All judges or clerks of election shall qualify before opening of polls by taking the oath as provided in Sec. 792 and 793 (277.11).

Sec. 277.28. Oath. Before opening of the polls, each of the judges and clerks shall take the following oath: "I _____, do solemnly swear that I will impartially, and to the best of my ability, perform the duties of judge (or clerk) of the election, and will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same."

4. Voting at all school elections shall be by ballot or by voting machines (277.13).

(Absent voters' law does not apply here).

5. Close the polls at time specified on notice. Shall remain open not less than two hours (277.9).

6. Canvass the vote for subdirector and issue a certificate of election to the person having the highest number of votes. Notify the secretary in writing of sub-director elected and the votes for and against all propositions (277.19).

7. Tie vote for any elective school office decided by judges or board canvassing the result by lot substantially as provided in 1950 Code of Iowa (277.21).

RURAL INDEPENDENT DISTRICT ELECTIONS

Second Monday in March. Sec. 277.1.

1. Polls must open at 1 o'clock p. m. and remain open not less than two hours. Sec. 277.9.

2. The president, secretary and one member of the board act as judges of election. If any such judge is absent or refuses to serve, the voters present at the polls shall appoint one of their number to act. Sec. 277.10.

3. Judges qualify by taking oaths as given above.

4. As given in procedure for subdistricts.

5. Director or directors elected shall be issued certificate of election by judges of election. Sec. 277.19.

6. Tie vote for director shall be decided by lot under direction of judges of election. Sec. 277.21.

Please Notice—All amendments and bills passed by last session of Iowa General Assembly, 1951, are printed in Black Face type.

Iowa. Senate F. 354

ORGANIZATION MEETING

ALL DISTRICTS

Third Monday in March.

The Retiring Board—

1. Meet early enough to complete its business in time for the new board to organize and transact its business.

2. Call to order.

3. Call a roll to determine whether or not there is a quorum of the Old Board. (If a majority of the Old Board are not present the Old Board cannot do business, and those present should adjourn, if sure that a quorum will not be present.)

4. Read minutes of last meeting.

5. Allow unpaid bills.

6. Take up any unfinished business, and settle everything as far as possible. Do not take up any new business unless something which should be settled by the Old Board.

7. Oath of Office. Any qualified members of the board, secretary of the board, or county superintendent may administer the oath of office to any member-elect. Each member-elect shall qualify on or before the time set for the organization meeting of the board the third Monday in March. The oath is set out under Sec. 277.28 in this Manual.

8. Old officers will turn over school laws, books, and all possessions pertaining to the office held to the incoming official.

9. Old Board will adjourn.

PROCEEDING OF NEW BOARD

Meeting as soon as may be after the old board has adjourned.

1. Call to order. Anyone may do this, if he be a member of the new board; or the secretary of the old board may call to order.

2. A temporary chairman should be selected.

3. The temporary chairman will call the roll to determine whether or not a quorum is present. If quorum be lacking, and it seems unlikely that there will be one, the meeting should adjourn to a stated time and place, someone being appointed to notify absent members. If quorum be present, proceed to perfect the permanent organization.

4. The permanent organization will be effected by

electing a President from the members of the board, who shall take office immediately. The President shall be entitled to vote as a member.

5. If there are any vacancies on the board they should be filled by a vote of the board at this time. If the new member elected is present he can take the oath of office and assume his place on the board. If the new member is not present, the secretary should notify him of his election and he should qualify within ten days after appointment.
6. Decide the length of your school year. All rural schools must have nine months of school. This is now required by law.
7. Teachers' vacancies, if any, may be filled at this time. Attend to any new business that may come before the board.
8. Contracts may be terminated by majority vote of the board. Teacher must be notified of such action by registered letter on or before the tenth of April. See Code 279.13. Superintendents term and contract, 279.14.
9. Fix salaries of teachers and other employees of the board for the ensuing year.
10. The board shall carry into effect any instruction from the annual meeting upon matters within the control of the voters.

JULY MEETING

First secular day in July. Sec. 279.3.

1. Call to order.
2. Call roll. Quorum must be present.
3. Read minutes of last meeting.
4. Allow unpaid bills.
5. Settle with secretary and treasurer. Treasurer should present "Affidavit of Depository Bank." Sec. 279.30. Their accounts should be carefully audited and notation made on their records or reports as to conditions found. Examine and approve the annual reports of the secretary and treasurer, to the county superintendent. President and secretary sign both reports.
6. Take up any unfinished business, and any new business that may come before the board.
7. Elect Secretary and Treasurer, (except in districts composed of cities or towns which elect treasurer at annual March meeting of electors. Sec. 277.26), who will qualify within ten days. See that secretary and treasurer are provided with bonds of not less than \$500.00 each. Sec. 291.2.
8. Decide upon compensation of secretary and treasurer, in accordance with section 279.29.
9. Estimate the amount of money required for following school year.*

*See legal limitations on levy. Code 298.1.

SCHOOL DISTRICTS MAY LEVY MORE THAN \$140.00 PER PUPIL IF NECESSARY TO COVER COSTS OF TUITION

HF 183—Local Levies. This bill makes it possible for the several school districts of the state to raise local levies sufficiently to operate their general funds. Raises the legal limit that may be levied for each person of school age to the following amounts:

- (a) School corporations having a school enumeration of 1200 or more—\$140.
- (b) School corporations having a school enumeration of less than 1200 and exceeding 250—\$160.

Chapter 24, Code 1950

10. Fill out Budget Estimate form, and set date for hearing on estimate.

11. Provide for posting of Budget Estimate forms at least ten days before the hearing. Sec. 24.9.

12. Approve annual Financial Statement of the secretary and provide for posting or publishing of same, and filing with County Superintendent. Sec. 279.32 and 279.33.

*Note: If budget estimate is not made at this time, it must be done at a special meeting held before July 25th.

SPECIAL MEETING FOR HEARING ON BUDGET

Sec. 24.11

1. At time and place specified on notices.
2. Board calls to order in regular way.
3. Objections, if any to the proposed budget are heard and considered.
4. Decisions of the Board after consideration of objections is entered in the minutes.
5. Two copies of certificate of taxes are filled out and sent to the County Auditor. Other copy filed by secretary. Sec. 24.12.

NEW LEGISLATION — 1951

Summary of the Most Important Bills Relating to and Affecting Public Schools as Passed by the 54th G. A. 1951

(Effective Dates Given as far as Obtainable)

House File 90. Relates to Teachers' Certificates and Exchange of Teachers, giving school boards power to arrange for Exchange of Teachers and payment of salaries, subject to approval and authority of the State Superintendent of Public Instruction. Effective July 4, 1951.

See page 54 for further text.

House File 109. Relates to decreasing the Rate of Tax imposed on income, increasing the deductions from computed tax, filing returns for years 1951 and 1952, and providing for refunds.

See page 86 for further text.

Senate File 177. Relates to appeals from orders made by local school boards and County Boards of Education respecting School Transportation and Bus Routes, and Repeal of Sections 285.12 and 285.13 and enacting substitutes therefore. Effective July 4, 1951.

See pages 38-41 for further text.

Senate File 188. Relates to State Aid for Vocational Education, Requirements for such State Aid, Amount of Aid, how regulated and sources of Reimbursements.

See page 87 for further text.

House File 183. Amends Section 298.1 increasing the amounts boards may estimate for General Fund and gives the State Comptroller authority to levy an amount in excess of thirty-five percent, upon recommendation of the County Board of Education. Effective July 4, 1951.

See page 75 for further text.

House File 186. Amends Section 285.11 pertaining to School Busses, allowing teachers going to and from their schools, to be transported by school busses on established school bus routes.

See page 22 for further text.

Senate File 203. Amends Sections 275.3, 275.10, 275.4 and repeals Section 4 of Chapter 150, Acts of 52nd G. A. and also amends Sections 274.16, 273.13 Relating to Reorganization of School Districts, giving several methods by which such Reorganization of School Districts may be effected. Effective March 30, 1951.

See pages 12-15 for further text.

Senate File 228. Provides for the installing, maintenance and operation of Non-Profit School Lunch Programs in Iowa Public Schools, and authorizes the State of Iowa to accept Federal Funds for this purpose. Effective April 20, 1951.

See pages 71, 85 for further text.

House File 288. Provides for the Termination of Contracts for Construction of Public Improvement when construction or work thereon is stopped because of a National Emergency, adjustment and payment of Compensation and Method for Settlement of Disputes in connection therewith.

See pages 88, 89 for further text.

Senate File 332. Amends Sections 375.1 and 375.6 Relating to the continuance of Musical Education of children during vacation periods, and to Municipal Bands. Effective July 4, 1951.

See page 87 for further text.

House File 370. Relates to the Acreage Limitation of School House Sites with maximum of ten acres allowed.

See pages 78, 79 for further text.

House File 531. Relates to Old Age and Survivor Insurance. Amends Section 97.45. Effective July 1, 1951.

See page 21 for further text.

House File 563. Amends Section 8.6 Relating to Specific powers and duties of the State Comptroller. Effective July 4, 1951.

House File 564. Amends Chapter 302 of Iowa Code of 1950 relative to the handling of the Permanent School Fund. Effective July 4, 1951.

See page 66 for further text.

APPROPRIATIONS

House File 597. Provides for the appropriation from the General Fund of the State of Iowa to the Department of Public Instruction, the sum of \$27,500.00: \$20,000.00 for use as a Revolving Fund for Veterans Administration and \$7,500.00 for the School Lunch Program. Effective July 4, 1951.

See page 70 for further text.

House File 598. Provides for an appropriation from the General Fund of the State of Iowa to the Department of Public Instruction for Specified School Aid, a total of \$647,500.00. Effective July 1, 1951.

See page 71 for further text.

House File 599. Provides for the appropriation from the General Fund of the State of Iowa \$3,000,000.00 to the Department of Public Instruction for State Aid for Transportation as provided by Chapter 285 of Iowa Code of 1950. Effective July 4, 1951.

See page 71 for further text.

House File 600. Provides for the appropriation from the General Fund of the State of Iowa \$4,000,000.00 to the Department of Public Instruction for Supplemental Aid to Certain School Districts of the State as provided

See pages 71, 72 for further text.

by Chapter 286, Iowa Code of 1950. Effective July 4, 1951.

See page 71 for further text.

House File 601. Provides for the appropriation of \$24,000,000.00 from the General Fund of the State of Iowa to the Department of Public Instruction for General State Aid for School Districts as provided by Chapter 286A, Iowa Code of 1950. Effective July 4, 1951.

See page 72 for further text.

House Joint Resolution 10. Created a Special Committee to make a study of the operations of the Iowa Old Age and Survivor Insurance System, to investigate into the proposal of Substituting the Iowa Old Age and Survivor System for the Federal Social Security System, and providing that such committee shall make a report of its findings to the Governor of Iowa and to the 55th G. A. 1953, and appropriating the sum of \$10,000.00, or so much thereof as may be necessary, to carry out the provisions of this Joint Resolution. Effective April 20, 1951.

279.4. School Employee Sick Leave. Beginning with the school year in September, school boards must provide a minimum sick leave program for teachers and public school employees if absent for personal illness or injury. Full pay will be granted to such employees, according to the following schedule:

| | |
|--|--------|
| 1st year of employment | 5 days |
| 2nd year of employment | 6 days |
| 3rd year of employment | 7 days |
| 4th year of employment | 8 days |
| 5th and subsequent years of employment | 9 days |

If there should be unused portion of sick leave in any one year, it shall be cumulative up to a maximum of 35 days.

This is a minimum program and many schools are exceeding the provisions of this act. The law was not intended to limit or to prohibit the school board from going beyond these provisions, but the amount of leave each year and the maximum to be accumulated cannot fall below this schedule.

Schools having sick leave schedules which go beyond this law will not be required to make any changes in their present procedure. Schools which have not had sick leave provisions must allow for a minimum of five days to all teachers and school employees for the school year beginning in September.

Teachers who remain for the year following shall be allowed six days, plus any unused portion of the previous year's allowance. This continues for five years, adding one day each year to the previous year's allowance. The fifth and subsequent years allow nine days until a maximum of 35 days has been accumulated. This law is not

retroactive and no provision is made for service in the system previous to the 1949-50 school year.

If the maximum accumulation in your program does not reach 35 days, it will have to be adjusted to comply with the law. If the maximum yearly allowance does not meet the above schedule, it will also have to be adjusted to comply.

Some allowance should be made in the budget to take care of extra expense which this law might incur. A review of past experiences, insofar as days missed by teachers, would be a good basis upon which to estimate this expense. It would be well for school boards to adopt a policy pertaining to the amount to be paid substitute teachers. This amount will probably not be equivalent to the regular teacher's salary.

Salary shall not be paid for unused sick leave which has accumulated to the credit of the teacher, if he leaves the system, and accumulated sick leaves in one school is not transferable to another school district. The superintendent or secretary should keep a complete record of all sick leave used from year to year, so that there will never be any misunderstanding with the employee.

The law states that the board shall require proof of inability to work. The board should adopt a policy concerning this provision as to whether it should be a statement from a doctor, statement from the employee, etc.

282.3. Admission and Exclusion of Pupils as amended by 53rd G. A., 1949. Provides that on and after July 1, 1952, the conditions of admission to public schools for work in the school year immediately preceding the first grade and in the first grade shall be as follows:

No child under the age of six years on the fifteenth of November of the current school year shall be admitted to any public school unless the board of directors of the school (or the county board of education) shall have adopted and put into effect courses of study for the school year immediately preceding the first grade, approved by the department of public instruction and shall have employed a teacher or teachers for this work with standards of training approved by the department of public instruction.

Section 2. No child shall be admitted to school work for the year immediately preceding the first grade unless he is five years of age on or before the fifteenth of November of the current school year.

Section 3. No child shall be admitted to the first grade unless he is six years of age on or before the fifteenth of November of the current school year; except that a child under six years of age who has been admitted to school work for the year immediately preceding the first grade under conditions approved by the department of public instruction, or who has demonstrated the possession of

sufficient ability to profit by first-grade work on the basis of tests or other means of evaluation recommended or approved by the department of public instruction, may be admitted to first grade at any time before December 31.

Section 4. Nothing in this Act shall prohibit a school board from requiring the attainment of a greater age than the age requirements herein set forth.

COUNTY SCHOOL SYSTEM AND COUNTY BOARD OF EDUCATION

Chapter 273. Iowa Code of 1950.

Creation of County School System

Section 1. There is hereby created in each of the several counties of the state, a county school system which shall become effective on the first Monday in April, 1948, and which shall be a part of the public school system of the state.

Area or Territory Included

273.2

See chapter 273 Iowa Code of 1950 for full text of this bill.

Election and Qualification of Members of County Board

273.3. Election Areas. The territory of the entire county shall be divided into four election areas, as nearly as possible of equal size and contiguous territory, to be designated as the first, the second, the third and the fourth election areas. Where districts have territory in more than one county, the district will belong to the election area of the county where the school buildings are located. In the event of changes in the limits of school districts, the county board of education shall make any such adjustments as may be necessary to equalize the territorial size of the election areas, provided that no such change shall be made less than sixty days prior to the date of the annual school election.

On or before the first day of December 1947, in each county of the state, the county board of education then existing under the provisions of chapter 273, Code 1950, shall meet in special session and make the division provided for in this section.

273.4. The county board of education shall consist of five members, electors of the county, one member to be elected from each of the four election areas by the electors of the respective areas, one member to be elected at large from the area of the county school system by the electors thereof. Their terms of office shall commence

on the first Monday in April following their election. All the members of the county board of education shall be first elected at the regular school election to be held on the second Monday in March 1948, and at the first regular meeting of the board on the following first Monday in April, the term of office of each of the five members shall be determined by lot, one member to serve for one year, two members to serve three years and two members to serve five years and the result of such determination showing the name of each member, the area from which elected, and the term so determined shall be entered of record on the minutes of the board and shall be conclusive as to the term of the members. Thereafter, elections to the county board of education shall be held at the annual school elections in odd-numbered years for members whose terms expire on the first Monday in April following said elections and their term of office shall be for six years. Vacancies on said board shall be filled at the next regular meeting of the board by appointment by the remaining members of the board until the next odd-numbered year election at which election a member shall be elected to fill the vacancy for the balance of the unexpired term. A vacancy shall be defined as in section 277.29, Code 1950.

273.5. Nomination papers in behalf of a candidate for member of the county board of education shall be filed with the county superintendent of schools not more than 45 days, nor less than 20 days prior to the election at which a member is to be elected. Each candidate shall be nominated by a petition signed by not less than 25 qualified electors of the area from which a member is to be elected, which petition shall state the name of the area from which a member is to be elected, the office to which he is to be elected, the name of the candidate and that he is a resident and elector in the named area. Signers of the petition shall in addition to signing their names, show their residence, including street and number, if any, the school district in which they reside, and the date of signing, and each nomination paper shall have appended to it an affidavit of an elector other than the candidate in substantially the form provided in section 674, Code 1950, except as to the party affiliation.

273.6. Ballots. The county board of education shall cause to be printed the ballots for the election of members of the county board of education, and not later than 5 days before the election shall deliver to the secretaries of the respective school districts a sufficient number of ballots for use of the electors in the respective districts. The ballots shall be printed and shall contain the names of all nominees for each particular election area arranged in alphabetical order by surname under the heading of the particular election area in which the vacancy occurs.

Meetings of County Board — Offices

273.9. The county board of education shall meet and organize on the first Monday in April in each odd-numbered year, at ten o'clock a. m. by electing a president for a term of two years, provided that the organization meeting of the board as first elected under this act shall be on the first Monday in April, 1948.

273.10. The board shall meet regularly four times each year according to a schedule adopted at the organization meeting and shall meet in special session upon call of the president or upon call of the secretary when a request is filed with the secretary signed by two members of the board.

273.11. The board of supervisors shall furnish at the county seat, suitable space for the office of the county superintendent and for the officers of the county board of education, together with adequate storage space.

County Board — Powers and Duties

See Chapter 273 for full text of this subject.

The 54th General Assembly enacted into law SENATE FILE 203 which amends Chapters 273, 274, and 275, Code 1950, and Chapter 150, Acts of the 52nd General Assembly as shown herein in Black Face Type.

REORGANIZATION OF SCHOOL DISTRICTS

275.1. Consolidation of districts—survey. It is hereby declared to be the policy of the state to encourage by the granting of state aid the reorganization of school districts into such units as are necessary, economical and efficient and which will insure an equal opportunity to the county administration act (Chapter 273). The county board of education in each county of the state shall initiate detailed studies and surveys of the school districts within the county and territory adjacent thereto for the purpose of promoting such reorganization of districts by unions, mergers, reorganizations or centralization as will effect more economical operation and the attainment of higher standards of education in the schools.

275.2. Scope. The scope of such studies and surveys shall include the following matters in the various districts in the county: the adequacy of the educational program, average daily attendance of pupils, property valuations, existing buildings and equipment, natural community areas, road conditions, transportation, economic factors, and such other matters that may bear on educational programs meeting minimum standards required by law.

275.3. Hearings. In making such studies and surveys the board in each county shall consult with the officials of affected districts and other citizens, and shall from time to time hold public hearings and may employ such

research and other assistance as it may determine reasonably necessary in order to properly carry on its survey and prepare definite plans of reorganization.

Upon the written request of the county boards of education in adopting reorganization plans which conform to the statewide plan of education and to state laws, the state superintendent of public instruction shall cause reorganization plans and suggestions to be prepared and forwarded to the county superintendents of schools together with such recommendations as may promote the purposes set forth in section 275.1.

Chapter 150, Acts of 52nd General Assembly, "Reorganization of School Districts"

Section 4 of Chapter 150 repealed by the 54th General Assembly and the following enacted in lieu thereof:
Senate File 203.

Sec. 4. The county board of education shall prepare and approve tentative plans for reorganization of school districts within the county after consultation with the boards of the various districts in the county and the state department of public instruction. Within ten (10) days after the county board has approved their tentative plan they shall file such plan with the state department of public instruction. Any proposal for merger, consolidation or boundary change shall first be submitted to the county board of education for approval before being submitted to the affected districts at an election. Such proposal shall in no way interfere with the county-wide plan for reorganization which has been approved by the county board.

Chapter 274—Change in Boundaries of School Districts. Chapter 150 of the Acts of the 52nd General Assembly was amended. If a city or town of the first or second class, having an independent school district, extends its corporate limits so as to include the whole or a part of a contiguous school district, the boundaries of the districts may be changed by concurrent action of the boards of directors of the affected districts, so that all or a part of the territory included within the boundaries of such city so extended shall become a part of the independent school district therein. The concurrent action must have the approval of the county superintendent and the Department of Public Instruction.

Chapter 274, Code 1950, "School Districts in General"

274.16. Boundary lines changed—consolidation. The boundary lines of contiguous school corporations may be changed by the concurrent action of the respective boards of directors at their regular meetings in July, or at special meetings thereafter, called for that purpose; provided a written request for such action by any ten legal voters

residing in each of said contiguous districts or, if there be not ten, then a majority of such voters, has been filed with their respective board of directors and the proposed boundary changes are approved by the legal voters of each of said contiguous districts at an election called and conducted in the same manner as provided for in section two hundred seventy-four point thirty-eight (274.38). The corporation from which territory is detached shall, after the change, contain not less than four government sections of land, and its boundary lines must conform to the lines of congressional divisions of land. In the same manner, the boundary lines of contiguous school corporations may be so changed that one corporation shall be included in and consolidated with the other as a single corporation.

County Board of Education—Duties in connection with Plans for Reorganization. S. F. 203, Section 3, 54th G. A. 1951.

Section 273.12 as amended by 54th G. A. 1951.

With the assistance of the county superintendent and the cooperation of the boards of the districts within the county, plan and supervise the orderly reorganization of districts, by union, merger or centralization, into larger and more efficient attendance and administrative units. No reorganization shall be submitted to a vote of the people of the district until the plan of reorganization has been referred to and approved by the county board of education.

275.5. Election of officers. If the plan of reorganization carries, the county board through its executive officer shall call a special election in and for the new school corporation or corporations for the election of directors and treasurer, said election to be held on or before the tenth day of June, and notice of same to be given by one publication in the same newspapers in which the former notices were published, and he shall appoint judges who shall serve without pay. At such election there shall be elected a treasurer for two years, and directors as provided in section 277.25, and except as may be otherwise provided in this chapter, the election shall be conducted as provided in chapter 277 of Iowa Code of 1950.

275.6. Expenses of election. If the plan of reorganization so submitted to vote of affected districts carries, the newly created district shall pay the expenses of the election and the proceedings to initiate the election, and if the plan involved the creation of more than one new district, such costs shall be divided between the new districts in proportion to the assessed valuation of property therein. The costs of the special election for election of the first board of directors and treasurer shall be paid by each newly formed district. If the plan of reorganization does not carry, the said election expenses shall be apportioned

by the county board among the several affected districts in proportion to the assessed valuation of property therein, and as thus apportioned be paid by the respective districts.

275.7. Division of assets and liabilities. A plan of reorganization in addition to setting up the territory to comprise the reorganized districts, may provide for a division of assets and liabilities. If no provision is made in the plan for the division of assets and liabilities, such division shall be made under the provisions of sections 274.19 to 274.21, inclusive.

275.8. Progressive program. It is the intent of this chapter that the county board shall carry on the program of reorganization progressively and shall, insofar as is possible, submit plans as they are developed and approved.

275.9. Budget. The county board of education shall include in the budget submitted each year such sums as it deems necessary to carry on its reorganization work under this chapter.

275.10. Co-operation of state department. The state department of public instruction shall co-operate with the several county boards of education in making the studies and surveys required hereunder. In the case of controversy arising over the organization of joint districts, the matter shall be submitted to the state department of public instruction and its decision may be appealed to a court of record in one of the counties involved, by aggrieved party to the controversy, within thirty (30) days after the decision of the state department of public instruction, by a writ of certiorari where upon such appeal the hearing shall be de novo. Joint districts shall mean districts that lie in two or more adjacent counties.

275.4. Proposition submitted. Upon approval by the county board of any plan of reorganization, consolidation or merger, the boards of the affected districts shall, at a special election, submit same to the qualified electors of each of the affected districts in the manner provided for in sections 296.4 and 296.5. If a majority of the votes cast in each of the affected districts are in favor of the plan, the same shall go into effect and the reorganized district or districts shall become a school corporation or corporations in accordance with the plan on the first day of July following said election.

275.11. Supplementary provisions. The provisions of this chapter are supplemental to the existing provisions of law for the promotion of districts and the changing of boundaries of districts. (51GA, ch 128. §11)

275.12. Aid not to be withheld. School aid funds shall not be withheld from any school solely for the reason that said district has failed to comply with an order for reorganization. (51GA, ch 128. §12)

From the effective date of this act until June 30, 1953, no new school districts may be formed nor shall any school district boundary be changed either by consolidation, merger or otherwise under the laws of this state, except under the provisions of this chapter.

EXCEPTIONS

HOUSE FILE 221—52nd G. A. Whenever the boundaries of a city or town are or have been extended so that the greater part of each of two independent school districts lie within said boundaries such districts shall by the operation of this act, be united into one independent school district.

SENATE FILE 163, 53 G. A.—“The provisions of this section shall not apply when any city or town of the first or second class having therein an independent school district, extends its corporate limits so as to include the whole or a part of a contiguous school district. In such cases the boundaries of the districts may be changed by concurrent action of the boards of directors of the affected districts so that all or a part of the territory included within the boundaries of such city, so extended, shall become a part of the independent school district therein. The concurrent action of the boards to become effective shall have the approval of the county board of education and the state department of public instruction.”

274.17. Board in New District—Settlement. When boundary lines are changed by concurrent action, school districts affected thereby shall not be required to elect new boards of directors, and the boards then in office may make final settlement of all assets and liabilities as provided in Secs. 274.19 and 274.20 and in case of a consolidation of districts under this and the preceding section the officers and members of the board of directors of the independent district having the larger number of inhabitants, shall continue to be the officers and directors of the independent district as consolidated for the period for which such officers and directors were elected.

AUDIT OF SCHOOL RECORDS

SECTION 11.7. State Examiners. The auditor of state shall appoint such number of state examiners of accounts as may be necessary to make such examination. Said examiners shall be of recognized skill and integrity, familiar with the system of accounting in county, school and city offices, and with the laws relating to the county, school and city affairs. Each examiner shall give bond in the sum of \$2,000.00, conditioned as bonds of county officers, which bonds shall be approved and filed as bonds of state officers. Such examiners shall be subject at all times to the directions of said auditor of state.

SECTION 11.10. Examinations. Said examiners shall have the right while making said examinations, to examine all papers, books, records, and documents of any of said officers and shall have the right in the presence of the custodian or his deputy, to have access to the cash drawers and cash in the official custody of such officers, and a like right, during business hours, to examine the public accounts of the county, school or city in any depository which has public funds in its custody pursuant to the law.

SECTION 11.14. Reports. A report of such examination shall be made in triplicate signed and verified by the officers making the examination; one copy to be filed with the auditor of state, one copy with the officer under investigation, and one copy to the county if a county office is under investigation, or with the president of the school board if a school is under investigation, or with the mayor of the city council if a city office is under investigation. All reports shall be open to public inspection.

SECTION 11.18. Examination of Records. The financial condition and transactions of all cities and city offices, including cities acting under special charter, and all school offices, other than those in rural and village independent districts and school townships and all consolidated school districts and independent school districts in cities and towns of less than 5000 population, shall be examined at least once each year and such examination may be made by the auditor of state, or in lieu of the examination by state accountants the local governing body whose accounts are to be examined, in case it elects so to do, may contract with, or employ, certified or registered public accountants certified and registered in the state of Iowa, and pay the same from the proper public funds. “If the city or school district elect to have the audit made by certified or registered public accountants, they must so notify the Auditor of State within sixty days after the close of the fiscal year to be examined. If any city or school district does not file such notification with the Auditor of State within the required period, the Auditor of State is authorized to make the examination and cover any period which has not been previously examined.”

Any township or municipal corporation not embraced within the foregoing provisions of this chapter and any school corporation in which an annual examination is not required may, on application to the auditor of state, secure an examination of its financial transactions and conditions of its funds, or a like examination shall be had on application of 100 or more taxpayers, or if there are fewer than 500 taxpayers, then by 5% thereof. The examination in any such school district may be had upon the written request of the county superintendent of

schools. In lieu of such examination by state accountants, the local governing body may contract with, or employ, certified or registered public accountants and pay the same from the proper public funds.

11.19. **Examiner's powers and duties.** Where an examination is made under contract with, or employment of, certified or registered public accountants, the examiner shall, in all matters pertaining to an authorized examination, have all of the powers and be vested with all the authority of state examiners employed by the auditor of state, and the cost and expense of the examination shall be paid by the city, town, school district, or township procuring the examination. An itemized sworn statement of the per diem and expenses of the examiner shall be filed with the clerk of the city, town, township, or school district, before the payment thereof.

Upon completion of such examination, a signed copy thereof shall be filed by the accountant employed, with the Auditor of State within sixty days from the time that the report is filed with the city or school district. If any report is not filed within the specified time the Auditor of State shall make a demand upon the accountant employed. Failure to file the report within ten days after such demand is made, shall bar such accountant from making any city or school audits thereafter under the provisions of Sec. (11.18).

SECTION 11.23. **Duty to Install.** It shall be the specific duty of each county, school, city and town officer to install and use in his office a system of uniform blanks and forms as prescribed by law. State examiners of accounts are charged with the specific duty to assist all such officers in installing said system.

OLD AGE AND SURVIVOR INSURANCE SYSTEM

Chapter 97 of School Laws of Iowa, 1946 and Iowa Code of 1950 covers the complete text of this law. The following is merely a brief of most important points covered by the law, as amended by the 53rd and 54th G. A. of 1949 and 1951.

A. Administration of

1. The Old Age and Survivor Insurance System is administered by The Iowa Employment Security Commission. The Funds are in the custody of the Treasurer of the State of Iowa. Employees may make remittance to the Security Commission through their Employers by salary deduction, or may be collected by civil action.

B. Deductions

1. Salary or wage deductions made may not be used as deductible items on State Income Tax.

2. Employers must furnish employees a written statement showing taxes withheld.
3. Such taxes collected by Employers must be remitted to the Commission Quarterly by the 15th of the following month. The Commission will provide forms for payrolls.

After January 1st, 1951, the deduction is 4%—2% from salary and 2% from employer.

C. Benefits

1. Those who receive benefits from this system.
 - (a) Every individual who is fully insured and is 65 years of age who has qualified under the provisions of Sec. 97.13 as amended by 51st, 52nd G. A.
 - (b) The wife at the age of 65 of an individual entitled to primary insurance benefits. (Sec. 97.14)
 - (c) Every unmarried child under 18 years of age whose father died full or currently insured. (Sec. 97.15)
 - (d) The widow at 65 years of age of a fully insured individual. (Sec. 97.16)
 - (e) The widow of a fully or currently insured individual and who has a child under 18 years of age. (Sec. 97.17)
2. For amounts of Benefits refer to Sections 97.14, 97.15, 97.16, 97.17 and 97.18 School Laws of Iowa.
3. Provision is also made for Funeral Expenses. For information when needed apply to The Iowa Employment Security Commission.
4. Amount of "Primary Insurance Benefits."

Example.

Sixty percent of the first \$50.00 of the average monthly wage plus 10% of the balance up to \$200.00, plus 1% of the sum of these two for the first 5 years plus two percent for the next five years plus 3% for the next 5 years plus 4% for the next years and thereafter.

60% of the first \$50.00 \$30.00
10% of the remaining

Example: (a) Suppose your average annual salary is \$2400.00 for a ten year period.

| | |
|--|---------|
| 60% of the first \$50.00 | \$30.00 |
| 10% of the balance, \$150.00 | 15.00 |
| 1% of the sum of these two times the first five years | 2.25 |
| 2% of the sum of these two times the second five years | 4.50 |

Total \$51.75

5. Maximum Benefit, \$120.00; Minimum Benefit,

\$10.00 monthly.

When is an Employer Fully Insured under this Law
1a. Employee 60 years of age or older must have put in six quarters of employment after January 1st, 1946, to be fully insured.

D. Retirement

1. An employee does not have to retire at age 65 but may continue under the employees Deduction until retirement.

All persons who are regularly employed by a school district are subject to deductions and benefits of this system.

Section 97.45. Iowa Code of 1950 Old Age and Survivor Insurance.

97.45. Definitions. When used in this chapter:

1. The term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include that part of the remuneration which, after remuneration equal to three thousand dollars has been paid to an individual with respect to employment during any calendar year after 1945, is paid to such individual with respect to employment during such calendar year.

2. The term "employment" means any service performed after December 31, 1945, under an employer-employee relationship, under the provisions of this chapter, except:

a. Any service performed in the employ of any employer which has of the effective date of this chapter its own retirement plan.

b. Any service performed in any calendar quarter in which the remuneration for such services does not exceed the sum of two hundred dollars (\$200.00); provided, however, that in any case in which the individual is already in employment under the provisions of this act, such coverage will continue to be under the provisions of this act although such remuneration for such service does not equal or exceed the sum of two hundred dollars (\$200.00).

c. Services performed during school vacations or outside of school hours, by students who devote their time and efforts chiefly to their studies rather than incidental employment.

d. Any individual performing service for the state or any political subdivision thereof that is exempt from coverage under the provisions of this act because the remuneration for such employment does not equal or exceed the sum of two hundred dollars (\$200.00) in any calendar quarter may become covered under the provisions of this chapter by filing an election to so become covered. Such election shall be in writing and filed with the Iowa

employment security commission and upon approval by such commission such individual shall thereafter be covered under the provisions of this chapter for all services performed as an employee of the state of Iowa or any political subdivision thereof.

Section 97.45. Fully Insured Individual. Sub Section 6. Paragraph 8 amended by 54th G. A. 1951 to read:

"b. He had at least forty quarters of coverage. As used in this subsection, and in subsection 7 of this section, the term 'quarter' and the term 'calendar quarter' mean a period of three calendar months ending on March 31, June 30, September 30, or December 31; and the term 'quarter of coverage' means a calendar quarter in which the individual has been in employment under this chapter."

and Sub Section 7—

"an individual who has been in employment under the provisions of this chapter for one quarter shall be a currently insured individual against death in each subsequent quarter in which he is or has been so employed and for as many quarters after he has been separated from such employment as he was employed therein."

HOUSE JOINT RESOLUTION 10—OF 54th G. A.
Created a Special Committee of 10 members to make a comprehensive study of the Iowa Old Age and Survivor Insurance System; to make an investigation of the possibility of substituting or consolidating the Iowa Old Age and Survivor System for the Federal Social Security Program; to make an investigation of the actuarial soundness of the Iowa Old Age and Survivors' System and to make such recommendations and findings as it deems desirable, to the Governor and to the 55th General Assembly.

The object to this action is to promote uniformity between the Iowa System and the Federal Social Security Provisions, and the inclusion of all Iowa public employees under coverage of the Federal Plan as embodied in the Federal Social Security Act, as this may be desirable in the future.

SCHOOL BUSES

Considerable space is given to the subject of Bus Routes and Transportation as these matters are deemed of vital importance in present School District Administration.

285.11. Bus routes—basis of operation. The establishment and operation of bus routes and the contracting for transportation shall be based upon the following considerations:

1. Each bus route shall be planned and adjusted to utilize the normal seating capacity of each bus insofar as it is possible to do so.

2. Each bus route shall serve regularly only pupils whose homes are beyond the statutory walking distance to the nearest appropriate school.

3. Each bus route shall serve only those pupils living in those areas where transportation by bus is the most economical method for providing adequate transportation facilities.

4. A route shall not be extended for the purpose of accommodating pupils whose homes are nearer another bus route.

5. Special contracts for transportation of pupils entitled to transportation shall be entered into only when it is more economical to make such special provisions than to provide same by regular bus route, or when by reason of physical or mental handicap of the pupil such pupil cannot be transported with safety by bus.

6. The boards shall take advantage of all tax exemptions on fuel, equipment, and of such other economies as are available.

7. The use of school buses shall be restricted to transporting pupils to and from school and to and from extra curricular activities sponsored by the school when such extra curricular activity is under the direction of a qualified member of the faculty and a part of the regular school program. School employees of districts operating buses may be transported to and from school and approved activities which they are required to attend as a result of their responsibilities.

"Provided, however, nothing in this paragraph shall prohibit the use of school busses in transporting a school teacher going to and from her school when such school is on an established school bus route and such teacher makes arrangements with the district operating such school bus."

8. No bus shall leave the public highway to receive or discharge pupils.

9. Bus routes shall be established only to give service to properly designated pupils.

10. Bus drivers for school buses must present a certificate of physical fitness each year before being permitted to operate any vehicles transporting children to and from school.

11. Bus drivers must hold a regular or special chauffeur's license and, in addition, a special school bus driver permit issued by the department of public instruction.

321.354. **Stopping on traveled way.** Upon any highway outside of a business or residence district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled part of the highway when it is practical to stop, park, or so leave such vehicle off such part of said highway, but in every event a clear and unobstructed

width of at least twenty feet of such part of the highway opposite such standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle be available from a distance of two hundred feet in each direction upon such highway; provided, however, school busses may stop on highway for receiving and discharging pupils and all other vehicles shall stop for school busses which are stopped to receive or discharge pupils, as provided in section 321.372.

321.372. **Discharging pupils—regulations.** 1. The driver of any school bus used to transport children to and from a public school shall, when stopping to receive or discharge pupils, turn on the flashing stop warning signal lights at a distance of not less than three hundred feet, nor more than five hundred feet from the point where said pupils are to be received or discharged from the bus. At the point of receiving or discharging pupils the driver of the bus shall bring bus to a stop and extend the stop-arm. After receiving or discharging pupils, the bus driver shall turn off the flashing stop warning lights, retract the stoparm and then proceed on the route. No school bus shall stop to load or unload pupils unless there is at three hundred feet of clear vision in each direction.

2. All pupils shall be received and discharged from the right front entrance of every school bus and if said pupils must cross the highway, they shall be required to pass in front of the bus, look in both directions, and proceed to cross the highway only on signal from the bus driver.

3. The driver of any vehicle when meeting a school bus on which the stop warning signal lights are flashing shall reduce the speed of said vehicle to not more than twenty miles per hour, and shall bring said vehicle to a complete stop when school bus stops and stop signal arm is extended and said vehicle shall remain stopped until stoparm is retracted after which driver may proceed with due caution.

The driver of any vehicle overtaking a school bus shall not pass a school bus when flashing stop warning signal lights are flashing and shall bring said vehicle to a complete stop not closer than fifteen feet of the school bus when it is stopped and stoparm is extended, and shall remain stopped until the stoparm is retracted and school bus resumes motion, or until signalled by the driver to proceed.

This section shall not apply to "business" and "residence" districts but shall apply in suburban districts of cities and towns.

Required Construction of School Busses.

See Section 321.373, Iowa Code of 1950.

Inspection and approval of School Busses.

See Section 321.374, Iowa Code of 1950.

321.375. **Drivers.** The drivers of school busses must:

(1) be at least sixteen years of age, (2) be physically and mentally competent, (3) not possess personal or moral habits which would be detrimental to the best interests of safety and welfare of the children transported, (4) have an annual physical examination and meet all established requirements for physical fitness.

Use of alcoholic beverages or immoral conduct on the part of the driver shall automatically cancel his contract and his re-employment for the balance of the year is hereby prohibited.

321.376. License and written permission. The driver of every school bus shall have a regular or special chauffeur's license issued by the department of public safety, and in addition thereto, must hold a school bus driver's permit issued by the department of public instruction.

Notwithstanding the provision of subsection 2 of section 321.177, the department of public safety is hereby authorized to issue a special chauffeur's license to a person sixteen years of age to operate a school bus on request of local school board and recommendation of the state superintendent of public instruction.

321.378. Applicability. The provisions of sections 321.372 to 321.380, inclusive, shall apply to any and all types of school districts where children are transported to and from public schools.

321.380. Enforcement. It shall be the duty of all peace officers and of the highway safety patrol to enforce the provisions of sections 321.372 to 321.379, inclusive.

321.249. School Zones. Cities, towns and counties shall have the power to establish school zones and provide for the stopping of all motor vehicles approaching said zones, when movable stop signs have been placed in the streets in such cities, towns and highways in counties at the limits of the zones, this notwithstanding the provisions of any statute to the contrary.

School Bus Drivers Qualifications.

See Section 321.357, Iowa Code of 1950.

Section 321.376—Chauffeur's License Required.

TRANSPORTATION

Section 285.1. Board Must Provide. The Board of Directors in every school district shall provide transportation or the costs thereof for all resident pupils attending public school, kindergarten through twelfth grade, who reside more than one (1) mile from the school designated by the board for attendance, except as hereinafter provided:

"a. Elementary pupils residing inside the limits of a village, town or city under 20,000 population wherein the designated school is located must live more than two (2) miles from the school designated for attendance to be entitled to transportation.

"b. Elementary pupils residing in a district wherein is located a city of 20,000 or more in population must live more than two (2) miles from the public school designated for attendance to be entitled to transportation.

"c. Elementary pupils residing in a rural independent district, a rural township district, or a consolidated district not operating a central school, when the school in the district or subdistrict is in operation, must live more than two (2) miles from the school in their own district or subdistrict to be entitled to transportation.

"(1) Boards at their discretion may provide transportation for resident elementary children attending public school who live less than the distance at which transportation is required.

"d. High school pupils residing in a district containing a village town, or city under 20,000 population wherein a high school is located and outside the limits of the village, town, or city shall be entitled to transportation as provided in this section.

"e. High school pupils residing in a district containing a city of 20,000 population or over must live more than three (3) miles from high school designated for attendance to be entitled to transportation thereto.

"(1) Boards at their discretion may provide transportation for all high school pupils residing inside the corporate limits of any town, village, or city, and more than two (2) miles from designated high school.

"2. Any pupil may be required to meet a school bus on the approved route a distance of not to exceed three-fourths of a mile without reimbursement.

"3. In any district where transportation by school bus is impracticable or where school bus service is not available, the board may require the parents or guardian to transport their children to the school designated for attendance. The parent or guardian shall be reimbursed for such transportation service for elementary pupils by the board of resident district for the distance one way from the pupil's residence to the school designated for attendance at the rate of twenty-eight cents per mile per day irrespective of number of children transported. For high school pupils, the parent or guardian shall be reimbursed forty dollars per pupil per year for such service, provided however no family shall receive more than eighty dollars per year for transporting the members of the family who attend high school.

"4. In all districts where unsatisfactory roads or other conditions make it advisable, the board at its discretion may require the parent or guardian to transport their children up to two (2) miles to connect with a vehicle of transportation. The parent or guardian shall be reimbursed for such transportation by the board of resident district at the rate of twenty-eight cents per mile per day,

one way, per family for the distance from pupil's residence to the bus route.

"5. Where transportation by school bus is impracticable or not available or other existing conditions warrant it, arrangements may be made for use of common carriers according to uniform standards established by the state superintendent of public instruction. The cost shall be the actual cost of service not to exceed forty dollars per pupil per year.

"6. When the school designated for attendance of pupils is engaged in the transportation of pupils, the sending or designating school shall use these facilities and pay the pro rata cost of transportation except that a designating pupils to another school may make other arrangements when it can be shown that such arrangements will be more efficient and economical than to use facilities of the receiving school, providing such arrangements are approved by the county board of education.

"7. If a board closes either elementary or high school facilities and is approved by the county board of education to operate its own transportation equipment, the full cost of transportation shall be paid by the board for all pupils living beyond the statutory walking distance from the school designated for attendance.

"8. Transportation service may be suspended upon any day or days, due to inclemency of the weather, conditions of roads, or the existence of other conditions, by the board of the school districts operating the buses, when in their judgment it is deemed advisable.

"9. Distance to school or to a bus route shall in all cases be measured on the public highway only and over the most passable and safest route as determined by the county board of education, starting in the roadway opposite the private entrance to the residence of the pupil and ending in the roadway opposite the entrance to the school grounds or designated point on bus route.

"10. The board in any district providing transportation for nonresident pupils shall collect the pro rata cost of transportation from the district of pupil's residence for all properly designated pupils so transported.

"11. Boards in districts operating buses may transport nonresident pupils who attend public school, kindergarten through junior college, who are not entitled to free transportation provided they collect the pro rata cost of transportation from the parents.

"12. The pro rata cost of transportation shall be based upon the actual cost for all children transported in all school buses. It shall include one-seventh (1/7) of the original net cost of the bus and such other items as shall be determined and approved by the superintendent of public instruction but no part of the capital outlay cost for school buses and transportation equipment for which

the school district is reimbursed from state funds or that portion of the cost of the operation of any school bus used in transporting pupils to and from extra curricular activities shall be included in determining said pro rata cost. In any district where because of unusual conditions, the cost of transportation is in excess of the actual operating cost of the bus route used to furnish transportation to non-resident pupils, the board of the local district may charge a cost equal to the cost of other schools supplying such service to that area, upon receiving approval of the state director of school transportation. Capital outlay for school buses and transportation equipment shall be excluded from the capital outlay in determining tuition costs as provided in section two hundred seventy-nine point eighteen (279.18), and section two hundred eighty-two point twenty (282.20), Code 1950.

"13. When a local board fails to pay transportation costs due to another school for transportation service rendered, the board of the creditor corporation shall file a sworn statement with the county board of education specifying the amount due. The county board of education shall check such claim and if the claim is valid shall certify to the county auditor. The auditor shall transmit to the county treasurer an order directing him to transfer the amount of such claim from the funds of the debtor corporation to the creditor corporation and the treasurer shall pay the same accordingly.

"14. The state superintendent of public instruction may review all transportation arrangements to see that they meet all legal and established uniform standard requirements.

"15. Every school district required by law to provide transportation shall be reimbursed by the state for transportation costs incurred in amount and manner as provided in this chapter. However, no state reimbursement shall be made to school districts to cover costs incurred in transporting pupils from home to a bus route, or any others not entitled to free transportation, but who are transported at the expense of the home district or the parents."

285.2. Basis of reimbursement. Reimbursement shall be for the school year preceding that in which it is made on the basis of thirty dollars per pupil per annum in a district (1) transporting an average of one hundred twenty-five pupils per day, (2) its vehicles traveling one hundred sixty miles per pupil per year, and (3) having a road condition index of 1.40. To determine the amount of reimbursement to which any district shall be entitled and shall receive, adjustments from the foregoing standard shall be made and the amount determined in the following manner, to-wit:

1. Adjustments for number of pupils transported:

a. An increase of two cents for each reduction of one in the average number of pupils transported below one hundred twenty-five, until thirty dollars and fifty cents is reached for each of one hundred pupils.

b. An increase of four cents for each reduction of one pupil in the average number of pupils transported below one hundred, until thirty dollars and fifty cents has increased to thirty-one dollars and fifty cents for each seventy-five pupils.

c. An increase of six cents for each reduction of one in the average number of pupils transported below seventy-five, until thirty-one dollars and fifty cents has increased to thirty-three dollars for each fifty pupils, or less.

d. A decrease of two cents for each addition of one in the average number of pupils transported above one hundred twenty-five, until thirty dollars is reached for each of one hundred seventy-five pupils.

e. A decrease of one cent for each addition of one in the average number of pupils transported above one hundred seventy-five until twenty-nine dollars and fifty cents is reached for each of two hundred twenty-five or more pupils.

2. Adjustments for mileage:

a. An increase of the base of eighteen dollars by three cents per year for each mile of vehicular travel in excess of one hundred sixty miles per pupil per year.

b. A decrease for the base of thirty dollars by three cents per year for each mile of vehicular travel less than one hundred sixty miles per pupil per year.

3. Adjustment for road conditions:

An increase or decrease, as the case may be, of the base rate of thirty dollars by the percentage by which the road condition index is greater or less than 1.40.

The road condition index for any district shall be obtained by (a) multiplying the miles of hard surfaced (including black top), gravel, and unsurfaced roads over which the school buses travel by 1.00, 1.39, and 1.55 respectively; (b) adding the amounts thus obtained, and (c) dividing by the total bus mileage.

The three computations provided for in subsections 1, 2 and 3, immediately preceding, shall be added together and divided by three and the amount so obtained shall be the amount to be paid to the district per pupil transported, by way of reimbursement.

"In school districts where transportation by school bus is not practicable or available, and approved special transportation arrangements are made, the distribution formula shall be waived and the reimbursement from the state for such costs shall be twenty-three dollars (\$23.00) per pupil per school year, except that in no event shall any district be reimbursed in any amount in excess of the actual cost per pupil per year.

"Reimbursement from the state for transportation costs incurred shall be paid to:

"1. Districts for transportation provided to its own school for all pupils entitled to free transportation.

"2. Districts for transportation provided to another school for all pupils entitled to free transportation.

"3. Districts for transportation provided to pupils residing in one district and who are entitled to transportation but are transported to a school other than to the school which is operating the transportation equipment.

"When the pupils from the sending districts are transported by the receiving district the reimbursement will be made to the receiving district and shall constitute a credit to the sending district on the cost of transportation. The receiving district in billing the sending district shall bill only for the difference between the state reimbursement and the actual approved cost of transportation.

"The appropriation for transportation shall be used to reimburse school districts for cost incurred in the amount and manner as are provided in this chapter. In the event the balance is insufficient to reimburse the district in full for the approved claims, the amount available shall be pro-rated to the several districts in ratio to amount earned."

285.3. Report by secretary of district. The secretary of each district entitled to transportation aid shall, on or before the first day of July of each year, report to the state department of public instruction on blanks furnished by the latter, such information as it may require for determining the amount the district shall be reimbursed for transportation of pupils. The state department may require further supporting data and information, and from the said reports, data and information it shall determine and compute the amount to which each district is entitled to reimbursement, and shall certify same for payment to the state comptroller who shall draw warrants upon such certification and cause same to be delivered to the districts so entitled. (51GA, ch 133, §3)

Section 285.4. Pupils sent to another district.

"On or before July 8, 1949, the board in districts not maintaining high school facilities shall by record action designate the school or schools for attendance of all high school pupils from their respective districts. In making designations, the local board shall give consideration to the wishes of the majority of the patrons, the adequacy of the facilities and curricular offerings and available bus service to avoid duplication of transportation facilities to different receiving schools.

"When a board closes its elementary school facilities for lack of pupils or by action of the board, it shall, if there is a school bus service available in the area, designate for attendance the school operating the buses, pro-

a. An increase of two cents for each reduction of one in the average number of pupils transported below one hundred twenty-five, until thirty dollars and fifty cents is reached for each of one hundred pupils.

b. An increase of four cents for each reduction of one pupil in the average number of pupils transported below one hundred, until thirty dollars and fifty cents has increased to thirty-one dollars and fifty cents for each seventy-five pupils.

c. An increase of six cents for each reduction of one in the average number of pupils transported below seventy-five, until thirty-one dollars and fifty cents has increased to thirty-three dollars for each fifty pupils, or less.

d. A decrease of two cents for each addition of one in the average number of pupils transported above one hundred twenty-five, until thirty dollars is reached for each of one hundred seventy-five pupils.

e. A decrease of one cent for each addition of one in the average number of pupils transported above one hundred seventy-five until twenty-nine dollars and fifty cents is reached for each of two hundred twenty-five or more pupils.

2. Adjustments for mileage:

a. An increase of the base of eighteen dollars by three cents per year for each mile of vehicular travel in excess of one hundred sixty miles per pupil per year.

b. A decrease for the base of thirty dollars by three cents per year for each mile of vehicular travel less than one hundred sixty miles per pupil per year.

3. Adjustment for road conditions:

An increase or decrease, as the case may be, of the base rate of thirty dollars by the percentage by which the road condition index is greater or less than 1.40.

The road condition index for any district shall be obtained by (a) multiplying the miles of hard surfaced (including black top), gravel, and unsurfaced roads over which the school buses travel by 1.00, 1.39, and 1.55 respectively; (b) adding the amounts thus obtained, and (c) dividing by the total bus mileage.

The three computations provided for in subsections 1, 2 and 3, immediately preceding, shall be added together and divided by three and the amount so obtained shall be the amount to be paid to the district per pupil transported, by way of reimbursement.

"In school districts where transportation by school bus is not practicable or available, and approved special transportation arrangements are made, the distribution formula shall be waived and the reimbursement from the state for such costs shall be twenty-three dollars (\$23.00) per pupil per school year, except that in no event shall any district be reimbursed in any amount in excess of the actual cost per pupil per year.

"Reimbursement from the state for transportation costs incurred shall be paid to:

"1. Districts for transportation provided to its own school for all pupils entitled to free transportation.

"2. Districts for transportation provided to another school for all pupils entitled to free transportation.

"3. Districts for transportation provided to pupils residing in one district and who are entitled to transportation but are transported to a school other than to the school which is operating the transportation equipment.

"When the pupils from the sending districts are transported by the receiving district the reimbursement will be made to the receiving district and shall constitute a credit to the sending district on the cost of transportation. The receiving district in billing the sending district shall bill only for the difference between the state reimbursement and the actual approved cost of transportation.

"The appropriation for transportation shall be used to reimburse school districts for cost incurred in the amount and manner as are provided in this chapter. In the event the balance is insufficient to reimburse the district in full for the approved claims, the amount available shall be pro-rated to the several districts in ratio to amount earned."

285.3. Report by secretary of district. The secretary of each district entitled to transportation aid shall, on or before the first day of July of each year, report to the state department of public instruction on blanks furnished by the latter, such information as it may require for determining the amount the district shall be reimbursed for transportation of pupils. The state department may require further supporting data and information, and from the said reports, data and information it shall determine and compute the amount to which each district is entitled to reimbursement, and shall certify same for payment to the state comptroller who shall draw warrants upon such certification and cause same to be delivered to the districts so entitled. (51GA, ch 133, §3)

Section 285.4. Pupils sent to another district.

"On or before July 8, 1949, the board in districts not maintaining high school facilities shall by record action designate the school or schools for attendance of all high school pupils from their respective districts. In making designations, the local board shall give consideration to the wishes of the majority of the patrons, the adequacy of the facilities and curricular offerings and available bus service to avoid duplication of transportation facilities to different receiving schools.

"When a board closes its elementary school facilities for lack of pupils or by action of the board, it shall, if there is a school bus service available in the area, designate for attendance the school operating the buses, pro-

vided the board of such school is willing to receive them and the facilities and curricular offerings are adequate. The board of the district where the pupils reside may with the approval of the county board of education, subject to legal limitations and established uniform standards, designate another rural school and provide their own transportation if the transportation costs will be less than to use the established bus service.

"All designations must be submitted to the county board of education on or before July 15, for review and approval. The county board of education shall after due investigation alter or change designations to make them conform to legal requirements and established uniform standards for making designations and for locating and establishing bus routes. After designations are made, they will remain the same from year to year except that on or before July 15, of each year, the rural board or parents may petition the county board for a change of designation to another school. Appeals from the decision of the county board on designations may be made by either the parents or board to the state superintendent of public instruction as provided in section two hundred eighty-five point twelve (285.12) and section two hundred eighty-five point thirteen (285.13), Code 1950."

Section 285.5. Contract With Contractor.

"1. Contracts for school bus service with private parties shall be in writing and be for the transportation of children who attend public school. Such contracts shall define the route, the length of time, service contracted for, the compensation, the vehicle to be used. The contract shall prescribe the duties of the contractor and driver of the vehicles and shall provide that every person in charge of a vehicle conveying children to and from school shall be at all times subject to any rules said board shall adopt for the protection of the children, or to govern the conduct of the persons in charge of said conveyance. Contracts may be made for a period not to exceed three years.

"The contract shall provide that the contractor will sell the equipment to the board should he desire to terminate the contract, provided the board should desire to purchase said equipment, the price of the equipment to be determined by an appraisal board composed of one person appointed by the school board, one appointed by the owner of the equipment, and a third selected by these two.

"2. The contractor shall operate the vehicle himself or provide a driver who must be approved by the board. The contractor and driver shall be subject to all laws and prescribed standards for school bus drivers. Failure to comply shall constitute grounds for dismissal of the driver or cancellation of the contract if the board so desires.

"3. All vehicles of transportation provided by con-

tractor shall be inspected, approved and certified before being put into operation.

"4. All contracts may be terminated by either party on a ninety-day notice.

"5. The state superintendent of public instruction shall prepare a uniform contract containing provisions not in conflict with this act which shall be used by all schools in contracting for transportation service.

"6. All contractors shall carry liability insurance in amounts and kind as provided in the official contract.

"7. All contracts for transportation service and for drivers of school-owned and operated buses shall be made with someone outside the board except where no other transportation service is available, a board member may transport own children.

"8. Private buses other than common carriers not used exclusively in transportation of pupils while under contract to a school district shall meet all requirements for school owned buses, as to construction and operation.

"9. All bus drivers for school owned equipment shall be under contract with the board. The superintendent of public instruction shall prepare a uniform contract containing provision not in conflict with this act which shall be used by all school boards in contracting with drivers of school owned vehicles."

285.7. Powers and duties shared. Regulatory powers and duties necessary to assure the state that its transportation moneys will be spent with the best results will be shared by the state department of public instruction, county boards of education and boards of education of the local school districts.

285.8. Powers and duties of state department. The powers and duties of the state department shall be to:

1. Exercise general supervision over the school transportation system in the state.

2. Review and establish the location of bus routes which are located in more than one county when the county boards of education of the affected counties after formal action do not approve.

3. Establish uniform standards for locating and operating bus routes and for the protection of the health and safety of pupils transported.

"4. Inspect or cause to be inspected all vehicles used as school buses to transport school children to determine if such vehicles meet all legal and established standards of construction and can be operated with safety, comfort, and economy. When it is determined that further use of such vehicles is dangerous to the pupils transported and to the safety and welfare of the traveling public, the department of public instruction shall order such vehicle to be withdrawn from further use on a specified date. School buses which do not conform to the requirements of the

department of public instruction may be issued a temporary certificate of operation provided that such school buses can be operated with safety, and provided further that no such certificate shall be issued for a period in excess of one year. All equipment can be required to be altered, or safety equipment added in order to make vehicles reasonably safe for operation. New buses after initial inspection and approval shall be issued a seal of inspection. After each annual inspection a seal of inspection and approval shall be issued. Said seals shall be mounted on the lower right hand corner of the windshield."

Section 6. Section two hundred eighty-five point eight (285.8), School Laws of Iowa of 1948, was amended by the 53rd G. A. with additional new subsections as follows:

"6. Prescribe uniform standards and regulations:

"a. for the efficient operation and maintenance of school transportation equipment and for the health and safety of children transported.

"b. for locating and establishing bus routes.

"c. for procedures and requirements in making designations.

"d. for standard of safety in construction of school transportation equipment.

"e. for procedures for purchase of buses.

"f. for qualification of school bus drivers.

"g. as deemed necessary for the efficient administration of this act.

"7. Review all transportation arrangements when deemed necessary and shall disapprove any arrangements that are not in conformity with the law and established standards and require the same to be altered or changed so that they do conform.

"8. Conduct schools of instruction for transportation personnel as needed or requested."

285.9. Powers and duties of county boards. The powers and duties of the respective county boards of education shall be to:

1. Enforce all laws and all rules and regulations of the state department of public instruction relating to transportation.

"2. Review and approve all transportation arrangements between districts in the county and in all districts in the county not operating high schools. If such transportation arrangements, designations, and contracts are not in conformity to law or established uniform standards for the locating and operating of bus routes, the county board shall, after receiving all facts, make such alterations or changes as necessary to make the arrangements, designations, and contracts conform to the legal and established requirements and shall notify local board of such action.

"3. Approve all bus routes outside the boundary of the district of the school operating buses.

"4. When a local board fails to make designations and other necessary arrangements for transportation as required by law, the county board shall, after due notice to the local board, make necessary arrangements in conformity with law and established requirements. Notice shall be given to the local board of the arrangements as made. The arrangements shall be binding on the local board which shall pay the costs for service as arranged."

285.10. Powers and duties of local boards. The powers and duties of the local school boards shall be to:

1. Provide transportation for each pupil who attends public school, and who is entitled to transportation under the laws of this state.

2. Establish, maintain and operate bus routes for the transportation of pupils so as to provide for the economical and efficient operation thereof without duplication of facilities, and to properly safeguard the health and safety of the pupils transported.

3. Purchase or lease buses and other transportation facilities, and maintain same, and to enter into contracts for transportation subject to any provisions of law affecting same.

4. Employ such drivers and other employees as may be necessary and prescribe their qualifications and adopt rules for their conduct.

5. Exercise any and all powers and duties relating to transportation of pupils enjoined upon them by law.

"6. May purchase liability insurance or such other coverage as deemed necessary to protect the driver or any authorized employee from liability incurred by said driver or employee as a result of operating the bus and for damages or accident resulting in injury or death to the pupils or employees being legally transported.

"7. When a school qualifies to purchase buses, they may be purchased as follows:

"a. from such funds as may be available in the general fund.

"b. may purchase buses and enter into contract to pay for such buses over a five year period as follows: one-fourth of the cost when bus is delivered and the balance in equal annual installments, plus simple interest due. The interest rate shall be the lowest rate available and shall not exceed four per cent (4%) simple interest. The bus shall serve as security for balance due.

"Bus bodies and chassis shall be purchased on separate contracts.

"8. A board shall be eligible to purchase buses as follows:

"a. Boards in consolidated and independent districts, who have sufficient resident pupils they are required to

transport to warrant the purchase of transportation equipment, may purchase buses needed to provide such transportation.

"b. Board in rural township districts desiring to close schools and transport children to schools outside district may apply to the county board of education for approval of bus routes and for approval to purchase bus. If approved, they may purchase the buses needed to provide transportation. Once approved, to purchase buses, the board may purchase replacements without approval of the county board. Additional equipment must be approved by County Board of Education.

"c. Boards in independent and consolidated districts who propose to establish transportation service for non-resident pupils must obtain approval from the county board of education for establishing of bus routes and for the purchasing of additional buses to provide service as approved. Such approval shall be granted only when such schools have sufficient pupils to transport to guarantee near capacity utilization of the buses. Replacement of equipment to operate on approved routes may be purchased without county board approval."

Section 285.12. Disputes, Hearings and Appeals.

"In the event of a disagreement between a school patron and the board of the school district, the patron if dissatisfied with the decision of the district board, may appeal the same to the county board of education, notifying the secretary of the district in writing within ten days of the decision of the board and by filing an affidavit of appeal with the county board of education within the ten day period. The affidavit of appeal shall include the reasons for the appeal and points at issue. The secretary of the local board on receiving notice of appeal shall certify all papers to the county board of education which shall hear same within ten days of the receipt of the papers and decide same within three days of the conclusion of the hearing and shall immediately notify all parties of its decision. Either party may appeal the decision of the county board to the state superintendent of public instruction by notifying the opposite party and the county superintendent of schools in writing within five days after receipt of notice of decision of the county board of education and shall file with the state superintendent of public instruction an affidavit of appeal, reasons for appeal, facts involved in disagreement. The county superintendent of schools shall, within ten days of said notice, file with the state superintendent of public instruction all records and papers pertaining to the case, including action of the county board of education. The state superintendent of public instruction shall hear the appeal within fifteen days of the filing of the records in his office, notifying all parties and the county superintendent

of public instruction shall forthwith decide the same, and notify all parties of his decision and return all papers with a copy of the decision to the county superintendent of schools. The decision of the state superintendent of public instruction shall be subject to appeal to the district court. Any order of the district court shall be subject to appeal to the supreme court in accord with the statutes respecting appeals to that court. Pending final order made by the state superintendent of public instruction, or the district court, or the supreme court, as the case may be, upon any appeal prosecuted to such superintendent or to such courts, the order of the county board of education from which the appeal is taken shall be operative and be in full force and effect.

285.13. Disagreements between boards. In the event of a disagreement between the board of a school district and the county board of education, the board of the school district may appeal to the state superintendent of public instruction, and the procedure and times provided for in section 285.12 shall prevail in any such case. The decision of the State Superintendent of Public Instruction shall be subject to appeal to the courts as provided for in Sections 285.12 Iowa Code of 1950.

285.14. Nonstandard buses—penalties. Any person who operates or permits to be operated as a school bus to transport pupils, any vehicle which does not comply with the requirements provided by law or by the rules and regulations of the state department of public instruction, or for which there is not a valid temporary certificate for operation, shall be punished by a fine of not to exceed one hundred dollars or by imprisonment in the county jail not to exceed thirty days.

285.15. Forfeiture of reimbursement rights. The failure of any local district to comply with the provisions of this chapter or any other laws relating to the transportation of pupils, or any rules or regulations made by the state department of public instruction under this chapter or the final decisions of the county board of education, or the final decisions of the state department of public instruction shall cause such districts to forfeit any rights to reimbursement for any transportation costs incurred during the period such failure to comply existed and the rights to collect transportation costs from school or parents while operating in such illegal manner. Any superintendent, board, or board member who knowingly operates or permits to be operated any school bus transporting public school pupils in violation of any school transportation law shall be deemed guilty of a misdemeanor.

Section 279.16. School Privileges When School Closed. If a school is closed for lack of pupils, the board of directors of such school corporation shall designate an approved public school or schools for attendance and

shall see that necessary arrangements are made with the designated school or schools for school facilities and transportation. The resident district shall be responsible for the tuition and for transportation as required by law for all pupils attending the designated school. Immediately, on the closing of the school, the secretary of the board of education shall notify the parents of the school designated for attendance. Designations shall be made as provided in chapter two hundred eighty-five (285).

Section 282.7. Attending in Another Corporation.

The board of directors in any school district may by record action discontinue any or all of its school facilities. When such action has been taken, the board shall designate an appropriate approved public school or schools for attendance. Tuition shall be paid by the resident district as required in section two hundred seventy-nine point eighteen (279.18) and section two hundred eighty-two point twenty (282.20), Code 1950, for all pupils attending designated school, except that high school pupils may attend school of choice and be entitled to tuition, but must attend school designated for attendance to qualify for transportation. Designations shall be made as provided in chapter two hundred eighty-five (285).

Section 282.8. Attending School Outside State.

The board of directors of school districts located near the state boundaries may designate a school or schools of equivalent standing across the state line for attendance of both elementary and high school pupils when the public school in the adjoining state is nearer than any appropriate public school in Iowa, as provided in section two hundred eighty-two point seventeen (282.17), Code 1950. Arrangements shall be subject to reciprocal agreements made between the state superintendent of public instruction of the respective states subject to statutory limitations as to tuition and transportation. A person attending school in another state shall continue to be treated as a pupil of the district of his residence in the apportionment of the current school fund and the payment of state aid.

Children From Charitable Institutions. See Section 282.18, Iowa Code of 1950 as amended by 53rd G. A. 1949.

Tuition in Charitable Institutions. See Section 282.22, Iowa Code of 1950 as amended by 53rd G. A. 1949.

Transportation—Children From Charitable Institutions. See Section 282.33, Iowa Code of 1950 as amended by 53rd G. A. 1949.

TRANSPORTATION PROCEDURE

By County Board of Education

The following is taken from Bulletin No. TR-C-1-495

issued by the Division of Transportation, of State Department of Public Instruction, Copied herein for Convenience of Iowa School Officers.

DESIGNATIONS

The county superintendent should supply all districts in the county with designation forms, (and contracts where needed), well before July 1st.

The county superintendent should also instruct sending district boards on procedures to be followed in making designations.

The following legal provisions and established standards should be followed carefully. (Sec. 285.4).

1. In making designations the local board must give consideration to the following factors:

a. Wishes of the majority of the patrons with children of school age.

b. Adequacy of curricular offerings and of educational facilities.

c. Available and possible bus routes. (See section on bus routes).

If a rural board is in doubt concerning any of the above, it should consult with the county superintendent and the county board. If such consultation can be established as general practice, many later difficulties may be eliminated.

2. Designations should be drawn to avoid geographic section lines on the perimeter of the designated area if a traveled public road is involved. The area should be clear cut, boundaries regular. (See #4 below).

3. Separate designations are to be used for elementary and for high school pupils. Every home in the area must be designated. Do not use home numbers unless a section is split.

4. Special designations may be made to cover pupils whose homes are in one designated area but who have been attending, in the past, the school in another designated area. The special designation covers the family only during the time it remains in the home occupied at the time the designation is made. The home will revert to the original designation when the family moves away. Pupils who move from one home to another will be expected to attend the school to which the new home is designated if transportation aid is desired. Special designations are to be made only upon request of the family or the rural board, subject to review by the Department of Public Instruction.

Where bus transportation is available the special designation should be limited to homes which are within $\frac{3}{4}$ mile of the bus route. Where bus transportation is not involved the special designation may be considered if the

home is more than $\frac{3}{4}$ mile from the boundary of designated area.

5. The county board should provide the district board with a map of the district showing suggested division lines.

6. Designations must be completed by the local board on or before July 8, and in the hands of the county board not later than July 15th. The county board will review and approve or alter designations in accordance with chapters 285.4 and 285.9, Code of Iowa. Alterations shall be made only after consultation with parties concerned.

7. If rural board fails to make designation as provided in chapter 285.4, the county board shall, after July 15th, make all necessary arrangements as provided in chapter 285.9, Code of Iowa.

8. Designations remain as originally drawn for an indefinite period. Alterations may be made each year upon petition of the parents or of the rural board, not later than July 15th of each year. If request for alteration is approved, new designations are drawn up to replace original designations. (285.4).

9. The TR-2-R contract form need not be drawn up this year. Parent compensation for personal transportation is fixed by law. (See chapter 285.1, para. 3, 4, 5). Collection of bus transportation costs is provided in chapter 285.1, para. 6, 7, 8, 9, 10, 11, 12, 13.

10. Five copies of the designations shall be completed. One copy may be sent to the designated school superintendent immediately upon approval by the county board of education. The remaining four copies are to be forwarded to the State Department of Public Instruction for approval. Four copies of contract with contractor TR-F-4-497, shall be completed. One copy is to be sent to the State Department of Public Instruction.

BUS ROUTES

Legal Provisions:

For legal provisions governing bus routes see chapter 285.11, Code of Iowa.

Uniform Standards and Regulations:

1. Bus routes are approved to give service to properly designated pupils only. When conflicts due to roads or other conditions arise in any area, only one route may be approved to serve the area.

No duplications of bus service shall be approved except as follows:

A. Approval shall not be given for a proposed transportation route which will cross the approved transportation route of another school district. (This is commonly called overlapping).

B. Approval shall not be given for a proposed route

which will parallel on a vertical plane the approved route of another school district.

Note: A vertical parallel exists when buses of two transporting districts travel same portion of a road running on a vertical plane between the two districts. A road running directly from one district to another is on a vertical plane.

C. Approval may be given for a proposed route which will parallel on a horizontal plane the approved route of another school district if:

a. Road conditions make such approval necessary as a convenience, to enable a bus to get from one point to another in its approved territory. The bus permitted to parallel is considered to be outside its approved territory and may not pick up pupils in the area of the parallel.

Note: A horizontal parallel exists when the buses of two transporting districts travel the same portion of a road running on a horizontal plane between two districts and at right angles in a straight line from one district to another.

b. Two transporting districts have a common boundary on the center of the highway. Horizontal approvals as described in (a) above shall be shown on the transportation map by a broken or dotted line for the entire distance of the parallel.

Whenever possible an alternate route, to be used during those periods of the year when the roads are good, which is not approved for another school, shall be approved and indicated on the transportation map as regular approved route.

2. Bus routes within transporting districts must be efficient and economical. Duplications of service shall be avoided in so far as possible.

3. To be efficient a route should provide a load of at least 75% capacity of the bus used.

4. Solicitation by school officials in territory designated to another school is prohibited.

5. Pupils whose residence is within 2 miles of an approved route are within the area served by the bus and are not eligible for parent or private transportation, at public expense, to the school in the district operating the route except as follows. (285.1, para. 4).

A. Bus is fully loaded.

B. Physical handicaps make bus transportation impractical.

6. Transporting districts shall arrange routes to serve the greatest convenience of the pupils. Distance pupils required to transport themselves to meet the bus shall be kept to the minimum consistent with road conditions, uniform standards, and legal requirements for locating bus routes. In case it is necessary for parents to transport their children to meet the bus, compensation for such

transportation shall be as provided in chapter 285.1, para. 4.

7. An approved route should not be so long as to require a high school student to ride on the bus more than 75 minutes nor an elementary child more than 50 minutes. (These time limits may be waived upon request of the parents).

8. All contractors operating school buses must be under contract with a school district. Operator shall not arrange with individual families for transportation.

9. All applications to the county board for approval of bus routes must be accompanied by an estimate of the cost of proposed services, filed on form TR-13. Bus route approvals shall not be given in the absence of this form.

10. The distance between schools shall not be a major factor in determining location of bus routes.

11. No bus routes shall be approved to serve an area where there are too few pupils to meet the legal requirement of efficient and economical operation.

12. Bus routes shall not be approved for a school district when such approval will encompass an area where all students and their parents desire to attend another school provided that the chosen school can serve the area efficiently and economically. (The designation should prevent this type of situation).

13. Full pro-rata costs must be charged and collected for the transportation of all non-resident pupils. No differentiation in charges can be made due to difference in distance or grade in school. For exception to above see chapter 285.1, para. 12.

INTER-COUNTY BUS ROUTES

When a school district in one county designates its pupils to attend a school in another county the county superintendent should notify the home county superintendent and the superintendent of the receiving school of such designation.

The county superintendent of the home county shall then direct the superintendent of the receiving school to submit application (Form TR-22-1 & 2), together with map accurately depicting proposed inter-county route, to his home county superintendent and board of education.

Joint consultation should then be held by the two county boards involved, (through the county superintendents if desired). Every effort should be made to reach agreement and to settle the matter locally.

If agreement is not reached, in initial attempt, the superintendent of applying school should be advised by his county superintendent of reason for failure to reach agreement and given an opportunity to alter application to meet objections and to re-submit same.

If county boards cannot agree on approval of route in

question, the home county superintendent shall forward complete record of case together with disapproved application to State Superintendent of Public Instruction. All legal provisions, standards, and regulations applying to approval and operation of bus routes apply equally to inter-county routes. No other consideration may be entertained.

Conflicts

Pupils covered by special designation will be required to meet the bus when bus service to the home would cause duplications with another approved route.

When conflicts arise they should be settled in accordance with wishes of the majority of families with children of school age in the conflicting area.

The right to appeal to the State Superintendent of Public Instruction from the decision of a local board or the county board, is set forth in chapters 285.4 and 285.12.

All parties to a dispute should be advised as to their right of appeal.

Change in Procedure TR-20-R

Beginning with the 1949-50 school year, receiving schools will make application for transportation reimbursement for residents of their own district and pupils transported in the receiving school buses only.

All others, including pupils transported by parents, will be listed on application submitted by the home (sending) district.

Time Schedule

1. July 8th—Sending districts make up designations.
2. July 15th—County Board Meeting:
 - a. Review and approve or alter designations in accordance with chapter 285.4 and chapter 285.9.
 - b. Proceed to make designations in accordance with chapter 285.9.
3. July 25th—County superintendent to advise receiving districts of territory designated. Request receiving schools to submit application for bus route approval not later than August 5.
4. August 5th—The County board meets to review and approve bus route applications. Advise school districts to re-submit rejected applications not later than August 10th.
5. August 10th—County board meets to review and approve remaining applications for bus routes.
6. August 20th—County superintendent to forward completed county transportation map, four copies of designations and one copy of private contracts to the State Department of Public Instruction.

TUITION

SECTION 1. The superintendent of public instruction shall determine a maximum tuition rate to be charged for students, elementary or high school, residing within another school district or corporation. This maximum tuition rate shall be determined in the following manner: Classify all schools, elementary and secondary, located in school districts or corporations with populations of one thousand (1,000) to fourteen thousand nine hundred ninety-nine (14,999), inclusive according to monthly per pupil costs. In such classification the school that falls within the seventy-fifth (75th) percent of the monthly per pupil cost shall form the basis.

The superintendent of public instruction shall, after July 1st but before September 1st of each year, notify every school in the state, affected by this section, what the computed maximum tuition rate shall be for the ensuing year.

Nothing in this section shall prevent the corporation or district in which the student resides from paying a tuition in excess of the maximum computed tuition rates, if the actual per pupil cost so warrants, but in no case may the receiving district or corporation demand more than the maximum rate.

279.18. Tuition. The tuition cost to be mutually agreed upon by the respective boards shall be paid by the home district and shall be equal to the average cost per elementary child (including both resident and tuition students) in average daily attendance in the tuition-receiving district for the preceding year. Such tuition rate shall include a pro rata charge for capital as well as for operating costs, but not exceeding "the maximum tuition rate as determined by the superintendent of public instruction, as provided in Code Section 282.24." Capital costs shall include expenditures from the general fund under the headings, "Capital Outlay" and "Debt Service" and the amount of any tax levied for the Schoolhouse fund.

282.20. Tuition Fees—Payment. The school corporation in which such student resides shall pay from the general fund to the secretary of the corporation in which he shall be permitted to enter a tuition fee sufficient to cover the average cost per high school child (including both resident and tuition students) in average daily attendance in the tuition-receiving districts in the preceding year. Such tuition rate shall include a pro rata charge for capital as well as for operating costs, as defined above but shall not exceed "the maximum tuition rate as determined by the superintendent of public instruction as provided in this Act."

It shall be unlawful for any school district maintaining a high school course of instruction to rebate to any pupils

or their parents, directly or indirectly, any portion of the high school tuition collected or to be collected from the home district of such pupils, or to authorize or permit such pupils to receive at the expense of the district, directly or indirectly, any special compensation, benefit, privilege, or other thing of value that is not and cannot legally be made available to all other pupils enrolled in such high school. Any superintendent or board members responsible for such unlawful act shall each be personally liable to a fine of not to exceed one hundred dollars. Action to recover such penalty or action to enjoin such unlawful act may be instituted by the board of any school district or by a taxpayer in any school district.

On or before February 15 and June 15 of each year the secretary of the creditor district shall deliver to the secretary of the debtor district an itemized statement of such tuition fees.

The following explanation is from a State Department Bulletin of July, 1950, which so clearly states the new plan and rates:

Maximum Tuition Rates for 1950-51 School Year

Section 282.24, Code of 1950. Under the provisions of Chapter 114, Acts of the 53rd General Assembly (S.F. 392), the maximum rates for tuition for non-resident pupils of \$17 per month per high school pupil and \$10 per month per elementary pupil were repealed and the Superintendent of Public Instruction was required to compute a new rate from a selected group of schools, according to a formula established by law, which is to be the legal maximum for the ensuing year.

Elementary tuition rate-----\$18.00 per month
Secondary tuition rate-----\$31.50 per month

Legal Maximum Rate—How Determined—

Please note that the tuition rate for schools whose per pupil cost is lower than these legal maximums is determined in the same manner as it has always been; that is, the receiving district shall charge the actual per pupil cost for both elementary and secondary pupils up to \$18.00 per month for elementary tuition and \$31.50 per month for secondary tuition.

If the costs are higher than these maximums the receiving district cannot exceed these amounts in their askings. However, the law further provides that although the receiving district cannot ask more than the legal maximums set by the State Superintendent, there is nothing in the law to prevent the sending district from paying more than these maximums if the actual per pupil cost is greater and the board (or parents in individual cases) chooses to do so.

The whole tuition situation can be more easily under-

stood by reading sections 282.20 and 279.18, Code of 1950, or in the 1948 School Laws of Iowa. If you will read these sections carefully, which define what can be included in tuition charges, you will note that Special Courses Fund items are not to be included in tuition charges. The computation of per pupil costs for tuition purposes is explained in Accounting Circular No. 61, "Financial Accounting for Tuition of Non-resident Pupils."

As a result of Senate File 392, Acts of the 53rd General Assembly, it becomes mandatory that the Superintendent of Public Instruction determine the maximum tuition rate for the state.

282.24. The new law reads in part:

"This maximum tuition rate shall be determined in the following manner: Classify all schools, elementary and secondary, located in school districts or corporations with populations of one thousand (1,000) to fourteen thousand nine hundred ninety-nine (14,999), inclusive, according to monthly per pupil costs. In such classification the school that falls within the seventy-fifth (75th) percent of the monthly per pupil cost shall form the basis."

"The superintendent of public instruction shall, after July 1st but before September 1st of each year, notify every school in the state, affected by this section, what the computed maximum tuition rate shall be for the ensuing year."

SCHOOL ELECTIONS

CHAPTER 277, CODE 1950

277.1. **Regular Election.** The regular election shall be held annually on the second Monday in March in each school corporation and in each subdistrict for the purpose of submitting to the voters thereof any matter authorized by law, except that in all independent school districts which embrace a city and which have a population of one hundred twenty-five thousand or more such election shall be held biennially on the second Monday in March of odd-numbered years.

277.2. **Special Election.** The board of directors in any school corporation may call a special election at which election the voters shall have the powers exercised at the regular election with reference to the sale of school property and the application to be made of the proceeds, the authorization of a school house tax or indebtedness, as provided by law, for the purchase of a site and the construction of a necessary school house, and for obtaining roads thereto.

277.3. **Notice of Election.** There shall be a written notice of all regular or special elections, which notice shall be given not less than ten days next preceding the

day of the election, except as otherwise provided in this section, and shall contain the date, the polling place, the hours during which the polls will be open, the number of directors or officers to be elected and the terms thereof, and such propositions as will be submitted to and be determined by the voters.

In those corporations where registration is not required and in which only one voting precinct has been established said notice shall be posted by the secretary of the board in five public places in the corporation.

In those corporations in which registration of voters is required or in which more than one voting precinct has been established the secretary shall post the notice in each precinct, and also publish it once each week for two consecutive weeks preceding the election in some newspaper published in the county and of general circulation in the corporation.

In subdistricts said notice shall be posted by the subdirector in three public places within the subdistrict, one of which shall be on the front of the school building. If the subdirector fails to post the required notice not less than ten days next preceding the day of the election, or if there be no subdirector, then any other voter in the subdistrict may secure from the county superintendent the proper form for the required number of notices filled out in the manner provided in this section and such notices, if signed by the county superintendent and said voter and posted as required in this section not less than five days next preceding the day of the election, shall constitute due and legal notice of said election.

277.4. **Nominations Required.** Nomination papers for all candidates for election to office in each independent city, town, or consolidated district shall be filed with the secretary of the school board not earlier than thirty days nor later than noon of the tenth day prior to said election. Each candidate shall be nominated by a petition signed by not less than ten qualified electors of the district, except that in city independent districts where the regular election is held biennially such petition shall be signed by not less than fifty qualified electors of the district. To each such petition shall be attached the affidavit of a qualified elector of the district that all the signers thereof are electors of such district and that the signatures thereto are genuine.

277.5. **Precincts for Voting.** School corporations other than city, town, or village independent districts shall constitute a voting precinct, but the voting precincts at all school elections in corporations in whole or in part in cities, towns, and villages shall be the same as for the last general state election except that the board may consolidate two or more such precincts into one unless there shall be filed with the secretary of the board at least

twenty days before the election a petition signed by twenty-five or more electors of any precinct requesting that such precinct shall not be consolidated with any other precinct. To such petition shall be attached the affidavit of a qualified elector of the precinct that all the signers thereof are electors of such precinct, and that the signatures are genuine.

In subdistrict elections the subdistrict shall constitute a single voting precinct.

277.6. **Territory Outside of City or Town.** If there is within a school corporation any territory not within the limits of a city or town the board may divide the territory which lies outside the city but within the school district into additional precincts, or may attach the various parts thereof to such contiguous city precincts as will best serve the convenience of the electors of said outside territory in voting on school matters, but the voters within such territory shall not be required to register.

277.7. **Polling Place.** In all school corporations the board shall determine a suitable polling place in each precinct, which polling place shall be, when practicable, the same place used by the last city or state election. In subdistricts a suitable polling place shall be selected by the person authorized by law to post the notices of such election.

Note: The following section does not apply to Rural Independent and Subdistrict Election.

277.8. **Printed Ballots Required.** In school corporations where nomination of candidates for election to office is required the secretary shall cause to be printed and delivered at the several polling places a sufficient number of ballots printed on plain, substantial paper of uniform quality, with no party designation or mark thereon. Such ballots shall contain in alphabetical order the names of all candidates for each office, filed as provided by law, and a blank line for each such officer to be elected. There shall be at the left of each name and each blank line a square, and there shall also be a direction to the voter as to the number of candidates to be voted for at said school election.

277.9. **Opening Polls.** In all school corporations in which registration of voters is required the polls shall open at seven o'clock A. M. and close at seven o'clock P. M.; in school corporations where registration of voters is not required composed in whole or in part of cities, towns, or in consolidated school districts, the polls shall open at twelve o'clock M. and close at seven o'clock P. M., except that in districts where the board has combined the voting precincts the board may order the polls to open at seven o'clock A. M. and to close at seven o'clock P. M. in all other independent school districts and school townships the polls shall open at one o'clock P. M., and re-

main open not less than two hours, in subdistricts the polls shall open not earlier than nine o'clock A. M. nor later than seven o'clock P. M., but shall remain open not less than two hours.

277.10. **Judges of Election.** In corporations consisting of one voting precinct the president and the secretary of the board, with one of the directors shall act as judges of the election. If any such judge of election is absent or refuses to serve, the voters present at the polls shall appoint one of their number to act in his stead.

In corporations consisting of more than one precinct the board in such district shall appoint three voters of the precinct as judges of the election and one voter of the precinct as clerk thereof. Not more than one member of the board shall act as judge at any one voting precinct. If any person so appointed is absent or fails to qualify the judge or judges attending shall fill the place by appointment of any voter present. Should all of the appointees fail to qualify their places shall be filled by the voters from those in attendance.

In subdistrict elections the judges shall consist of the subdirector and two qualified electors selected by the voters present at the polling place. If the subdirector is absent or refuses to serve as such judge, or if an elector selected as judge refuses to serve, the voters present shall elect a judge to take his place.

277.11. **Oath Required of Judges and Clerks of Election.** All judges or clerks of election shall qualify before opening of polls by taking the oath as provided for in Secs. 49.75 and 49.76.

277.12. **Right to Vote.** To have the right to vote at a school election a person shall have the same qualifications as for voting at a general election and must have been for ten days prior to such school election an actual resident of the corporation and precinct or subdistrict in which he offers to vote.

(Legal Qualifications—Any citizen of the United States twenty-one years of age, a resident of the state for six months next preceding the election and of the county in which he claims to vote, sixty days. Art. 11, Sec. 1, Iowa Constitution).

277.13. **Method of Voting.** Voting at all school elections shall be by ballot or by voting machines.

277.14. **Ballot Box—Voting Machine—Poll Books.** The board shall provide the necessary ballot box or voting machine and poll books for each precinct.

277.15. **Voting machines.** Voting machines may be used for all school elections in all precincts where the same are in use at general elections and the names of the candidates and the propositions to be voted upon shall be arranged thereon as by law provided. The state and county, or either, as the case may be, shall without charge

permit the use for school elections of voting machines used at the general elections, and the same shall be used according to the general election law so far as is applicable.

277.19. **Canvassing the Vote.** In school corporations consisting of one precinct the judges of election shall canvass the vote and shall issue certificates to all officers elected and make a record of the propositions adopted.

In corporations consisting of more than one precinct the judges shall canvass the vote and make and certify a return to the secretary of the corporation of the votes cast for officers and upon each question submitted.

In a subdistrict the judges shall canvass the vote for subdirector and issue a certificate of election to the person receiving the highest number of votes, and shall immediately notify the secretary in writing of the subdirector voted upon. They shall also canvass the vote for director-at-large in those subdistricts where a director-at-large is voted for and forthwith make certified returns thereof in a sealed envelope to the secretary of the school township.

In all school corporations it shall be the duty of the secretary to cause a permanent record to be made of the vote of each officer and on each proposition submitted to the electors.

277.20. **Canvassing Returns.** On the next Monday after the election in each corporation consisting of more than one precinct and in each school township having an even number of subdistricts the board shall canvass the returns made to the secretary, ascertain the result of the voting with regard to every matter voted upon, declare the same, cause a record to be made thereof, and at once issue a certificate to each person elected.

277.21. **Tie Vote.** If there is a tie vote for any elective school office in any school corporation or subdistrict the judges of election or the board canvassing the returns, as the case may be, shall decide the election by lot substantially as provided in Sec. 50.44.

277.22. **Contested Elections.** School elections may be contested as provided by law for the contesting of other elections.

277.23. **Number on Board.** In any district including all or part of a city of the first class or a city under special charter the board shall consist of seven members; in all other independent city or town districts, in consolidated districts, and in rural and village independent districts having a population of over five hundred, the board shall consist of five members; in all other rural and village independent districts having a population of five hundred or less and in school townships not divided into subdistricts the board shall consist of three members; in school townships divided into subdistricts the board shall

consist of one subdirector from each subdistrict with a director-at-large in those school townships that are divided into an even number of subdistricts.

277.24. **Term of Office.** Members of the board in all independent districts and undivided school townships shall be chosen at the regular election for a term of three years to succeed those whose terms expire at the organization of the board the third Monday in March immediately following and shall hold office for the term for which elected and until their successors are elected or appointed and qualified, except that in those independent districts which embrace a city and which have a population of one hundred and twenty-five thousand or more the term shall be six years. In school townships divided into subdistricts the subdirector and the director-at-large where one is required, shall be elected at the regular election for a term of one year and until his successor is elected, or appointed and qualified.

In all school corporations and subdistricts the term of office shall begin at the organization of the board on the third Monday of March.

277.25. **Directors in New Districts.** At the first election in newly organized districts the directors shall be elected as follows:

1. In the districts having three directors, one director shall be elected for one year, one for two years and one for three years.

2. In districts having five directors, one shall be elected for one year, two for two years, and two for three years.

3. In districts having seven directors, three shall be elected for one year, two for two years, and two for three years.

277.26. **Treasurer.** In districts composed in whole or in part of cities or towns a treasurer shall be chosen at the regular election. He shall serve without pay and his term shall begin on the first secular day of July and continue for two years and until his successor is elected or appointed and qualified. (See also section 279.29, Iowa Code of 1950).

277.27. **Qualification.** A school officer or member of the board shall, at the time of election or appointment, be a qualified voter of the corporation or subdistrict.

277.28. **Oath Required.** Each director or subdirector elected at a regular district or subdistrict election, as the case may be, shall qualify by taking the oath of office on or before the time set for the organization meeting of the board the third Monday in March and his election and qualification entered of record by the secretary. The oath may be administered by any qualified member of the board, the secretary of the board, or the county superintendent of schools, and may be taken in substantially the following form:

"Do you solemnly swear that you will support the constitution of the United States and the constitution of the State of Iowa and that you will faithfully and impartially to the best of your ability discharge the duties of the office of _____ (naming the office) in _____ (naming the district) as now or hereafter required by law?"

If the oath of office is taken elsewhere than in the presence of the board in session, it may be administered by any officer listed in Secs. 78.1 and 78.2, and shall be subscribed to by the person taking it in substantially the following form:

"I _____, do solemnly swear that I will support the constitution of the United States and the constitution of the State of Iowa, and that I will faithfully and impartially to the best of my ability discharge the duties of the office of _____, (naming the office) in _____ (naming the district) as now or hereafter required by law."

Such oath shall be properly verified by the administering officer and filed with the secretary of the board.

The treasurer elected at a regular election in city and town districts shall qualify by taking the oath of office in the manner herein required and filing a bond as required by Sec. 291.2 within ten days after the first secular day in July following his election.

Note: According to the following section, the oath of office may be taken orally, if in the presence of the board. If not taken in the presence of the board, the written form must be signed by the person taking the oath, and by the administering officer, and filed with the secretary of the board.

277.29. Vacancies. Failure to elect at the proper election or to appoint within the time fixed by law or the failure of the officer elected or appointed to qualify within the time prescribed by law; the incumbent ceasing to be a resident of the district or subdistrict; the resignation or the death of the incumbent or of the officer-elect; the removal of the incumbent from, or forfeiture of, his office, or the decision of a competent tribunal declaring his office vacant; the conviction of incumbent of an infamous crime or of any public offense involving the violation of his oath of office shall constitute a vacancy.

277.30. Vacancies Filled by Election. When vacancies are to be filled at a regular election the election shall be for the number of years required to fill the vacancy and until a successor is elected, or appointed, and qualified.

277.31. Surrendering Office. Each school officer or member of the board upon the termination of his term of office, shall immediately surrender to his successor all books, papers, and moneys pertaining or belonging to the office, taking a receipt therefor.

277.32. Penalties. Any school officer willfully failing or refusing to perform any duty imposed by law shall forfeit and pay into the treasury of the particular school corporation in which the violation occurs the sum of twenty-five dollars, action to recover which shall be brought in the name of the proper school corporation, and be applied to the use of the schools therein.

277.33. Application of General Election Law. So far as applicable all laws relating to the conduct of general elections and voting thereat and the violation of such laws shall, except as otherwise in this chapter provided, apply to and govern all school elections.

277.34. Absent Voter's Law. In the application of the absent voter's law as provided for in Sec. 53.3, the secretary of the board shall perform the duties therein imposed upon the county auditor or clerk of the city or town. In independent districts in cities of the first class the board shall have power to appoint such deputies as are necessary to enable him properly to perform the duties imposed by this action.

POWERS OF ELECTORS

278.1. Enumeration. The voters at the regular election shall have power:

1. To direct a change of textbooks regularly adopted.
2. To direct the sale, lease or other disposition of any schoolhouse or site or other property belonging to the corporation and the application to be made of the proceeds thereof.
3. To determine upon additional branches that shall be taught.
4. To instruct the board that school buildings may or may not be used for meeting of public interest.
5. To direct the transfer of any surplus in the schoolhouse fund to the general fund.
6. To authorize the board to obtain, at the expense of the corporation, roads for proper access to its schoolhouses.
7. To vote a schoolhouse tax, not exceeding two and one-half mills on the dollar in any one year, for the purchase of ground, construction of schoolhouses, the payment of debts contracted for the erection of schoolhouses, not including interest on bonds, procuring libraries for and opening roads to schoolhouses.
8. To authorize the establishment and maintenance in each district of one or more schools of a higher order than an approved four-year high school course.

278.2. Submission of Proposition. The board may, and upon the written request of five voters of any school township or rural independent or consolidated district, or of twenty-five voters of any city or town independent district having a population of five thousand or less, or of fifty voters of any other city independent district or of

any district in which registration of any of the voters is required, shall provide in the notice for the regular election for submitting any proposition authorized by law to the voters. All propositions shall be voted upon by ballot, or by voting machine where required, in substantially the form indicated in Secs. 49.45 and 49.47; and the voter shall indicate his vote in the manner designated in Sec. 49.46, or indicate it on the voting machine as the case may be.

278.3. **Special Subdistrict Schoolhouse Tax.** At the regular subdistrict election or at a special subdistrict election called for that purpose, the voters may vote to raise a greater amount of schoolhouse tax than that voted by the voters of the school township, ten days previous notice having been given, but the amount so voted, including the amount voted by the school township, shall not exceed in the aggregate the sum of three and three-fourths mills on the dollar. The sum thus voted shall be certified forthwith by the secretary of said subdistrict election to the secretary of the school township, and shall be levied by the board of supervisors only on the property within the subdistrict.

296.1-296.6. **Special Election To Vote Bonds.** See above sections for full text of law.

DIRECTORS—POWERS AND DUTIES

279.1. **Organization.** The board of directors of each school corporation shall meet and organize at two o'clock p.m., or at seven thirty o'clock p.m., if so ordered by the president of the board, on the third Monday in March each year at some suitable place to be designated by the secretary. Notice of the place and hour of such meeting shall be given by the secretary to each member and each member-elect of the board.

Such organization shall be affected by the election of a president from the members of the board, who shall be entitled to vote as a member.

279.2. **Special Meetings.** Such special meetings may be held as may be determined by the board, or called by the president, or by the secretary upon the written request of a majority of the members of the board, upon notice specifying the time and place, delivered to each member in person, or by registered letter, but attendance shall be a waiver of notice.

279.3. **Appointment of Secretary and Treasurer.** At the meeting of the board the first secular day in July the board shall appoint a secretary who shall not be a teacher or other employee of the board. It shall also, except in districts composed in whole or in part of a city or town, appoint a treasurer. Such officers shall be appointed from outside the membership of the board for terms of one year beginning with the first secular day in July which appointment and qualification shall be entered of

record in the minutes of the secretary. They shall qualify within ten days following their appointment by taking the oath of office in the manner required by Sec. 277.28 and filing a bond as required by Sec. 291.2 and shall hold office until their successors are appointed and qualified.

279.4. **Quorum.** A majority of the board of directors of any school corporation shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

279.5. **Temporary Officers.** The board shall appoint a temporary president or secretary, in the absence of the regular officers.

279.6. **Vacancies Filled By Board—Qualification—Tenure.** Vacancies occurring among the officers or members of a school board shall be filled by the board by appointment. A person so appointed to fill a vacancy in an elective office shall hold until the organization of the board the third Monday in March immediately following the next regular election and until his successor is elected and qualified. A person appointed to fill a vacancy in an appointive office shall hold such office for the residue of the unexpired term and until his successor is appointed and qualified. Any person so appointed shall qualify within ten days thereafter in the manner required by Sec. 277.28.

279.7. **Vacancies Filled by Special Election—Qualification—Tenure.** In any case where a vacancy or vacancies occur among the elective officers or members of a school board and the remaining members of such board have not filled such vacancy within ten days after the occurrence thereof, or when the board is reduced below a quorum for any cause, the secretary of the board, or if there be no secretary, the county superintendent of schools shall call a special election in the district, subdistrict, or subdistricts, as the case may be, to fill such vacancy or vacancies, giving the notices required by law for such special elections, which election shall be held not sooner than ten days nor later than fourteen days thereafter. In any case where the secretary fails for more than three days to call such election, the county superintendent shall call it by giving the notice required by law for special elections.

Any appointment by the board to fill any vacancy in an elective office on or after the day notice has been given for a special election to fill such vacancy as provided herein shall be null and void.

In any case of a special election as provided herein to fill a vacancy occurring among the elective officers or members of a school board before the expiration of a full term, the person so elected shall qualify within ten days thereafter in the manner required by Sec. 277.28

and shall hold office for the residue of the unexpired term and until his successor is elected, or appointed, and qualified.

279.8. General Rules. The board shall make rules for its own government and that of the directors, officers, teachers and pupils, and for the care of the schoolhouse, grounds, and property of the school corporation, and aid in the enforcement of the same, and require the performance of duties by said persons imposed by law and the rules.

279.10. School Year. The school year shall begin on the first of July and each school regularly established shall continue for at least thirty-six weeks of five school days each and may be maintained during the entire calendar year.

279.11. Number of Schools—Wards—Attendance—Terms. The board of directors shall determine the number of schools to be taught, divide the corporation into such wards or other divisions for school purposes as may be proper, determine the particular school which each child shall attend, and designate the period each school shall be held beyond the time required by law.

279.12. Contracts—Election of Teachers. The board shall carry into effect any instruction from regular election upon matters within the control of the voters, and shall elect all teachers and make all contracts necessary or proper for exercising the powers granted and performing the duties required by law, but the board may authorize any subdirector to employ teachers for the school in his subdistrict; but no such employment by a subdirector shall authorize a contract the entire period of which is wholly beyond his term of office.

279.13. Contract With Teachers with Amendments passed by 54th G. A. 1951. House File 90. Contracts with teachers must be in writing, and shall state the length of time the school is to be taught, the compensation per week of five days, or month of four weeks, and that the same shall be invalid if the teacher is under contract with another board of directors in the state of Iowa to teach covering the same period of time, until such contract shall have been released, and such other matters as may be agreed upon, which may include employment for a term not exceeding the ensuing school year, except as otherwise authorized, and payment by the calendar or school month, signed by the president and teacher, and shall be filed with the secretary before the teacher enters upon performance of the contract but no such contract shall be entered into with any teacher for the ensuing year or any part thereof until after the organization of the board. Boards of school directors shall have power to arrange for an exchange of teachers in the public schools under their jurisdiction with other public school

corporations either within or without the state or the United States on such terms and conditions as are approved by the State Superintendent of Public Instruction and when so arranged and approved the board may continue to pay the salary of the teachers exchanged as provided in the contract between the teacher and the board for a period of one year, and such teacher shall not lose any privileges of tenure, old age and survivors insurance, or certification as a result of such exchange. Said contract may be renewed each year as determined by the employing school board provided that the visiting exchange teacher is paid in full for the service rendered by the school authorities with whom his contract is made. Such exchange teachers must have qualifications equivalent to the regular teacher employed by the board and who is serving as the exchange teacher and must secure a special certificate covering the subjects designated for him to teach in the public schools in which the instruction is given. The State Superintendent of Public Instruction is hereby authorized to formulate, establish, and enforce any reasonable regulation necessary to govern the exchange of teachers as provided in this act, including the waiver of Iowa certification requirements for teachers who are regularly certificated or licensed in the jurisdiction from which they come. Said contract shall remain in force and effect for the period stated in the contract and thereafter shall be automatically continued in force and effect for equivalent periods, except as modified or terminated by mutual agreement of the board of directors and the teacher, until terminated as hereinafter provided. On or before April 15, of each year the teacher may file his written resignation with the secretary of the board of directors, or the board may by a majority vote of the elected membership of the board, cause said contract to be terminated by written notification of termination, by registered letter mailed to the teacher not later than the 10th day of April. In event of such termination, it shall take effect at the close of the school year in which the contract is terminated by either of said methods. The teacher shall have the right to protest the action of the board, and to a hearing thereon, by notifying the president or secretary of the board in writing of such protest within twenty (20) days of the receipt by him of the notice to terminate, in which event the board shall hold a public hearing on such protest at the next regular meeting of the board, or at a special meeting called by the president of the board for that purpose, and shall give notice in writing to the teacher of the time of the hearing on the protest. Upon the conclusion of the hearing the board shall determine the question of continuance or discontinuance of the contract by a roll call vote entered in the minutes of the board, and the action of the board

shall be final. In the foregoing provisions the termination shall not affect the power of the board of directors to discharge a teacher for cause under the provisions of section 279.24.

260.10. **Certificate to foreign applicant.** The board of educational examiners may, at its discretion, issue any teacher's certificate provided for in this act to an applicant from another state or country who files with the board evidence of the possession of the required qualifications or the equivalent thereof. The board of educational examiners is hereby authorized to enter into reciprocity agreement with any other state or country for the certification of teachers on an equitable basis of mutual exchange, when such action is in conformity with law.

279.14. **Superintendent—Terms.** The board of directors of any independent school district or school township where there is a township high school shall have power to employ a superintendent of schools for one year. After serving at least seven months he may be employed for a term of not to exceed three years, but such re-election or re-employment shall not be prior to the organization of the board of the year during which an existing contract expires. He shall be the executive officer of the board and have such powers and duties as may be prescribed by rules adopted by the board or by law. Boards of directors may jointly exercise the powers conferred by this section.

CLOSING SMALL SCHOOLS

279.15. **Non-employment of Teacher—When.** No contract shall be entered into with any teacher to teach an elementary school when the average daily attendance of elementary pupils in such school the last preceding term therein was less than five such pupils of school age, resident of the district or subdistrict, as the case may be, nor shall any contract be entered into with any teacher to teach an elementary school for the next ensuing term when it is apparent that the average daily attendance of elementary pupils in such school will be less than five or the enrollment less than six such pupils of school age, resident of the district or subdistrict, as the case may be, regardless of the average daily attendance in such school during the last preceding term, unless the parents or guardians of seven or more such elementary children subscribe to a written statement sworn to before the county superintendent or a notary public certifying that such children will enroll in and will attend such elementary school if opened and secure from the county superintendent written permission authorizing the board to contract with a teacher for such school for a stated period of time not to exceed three months.

When natural obstacles to transportation of pupils to another school in the same or in another corporation or

other conditions make it clearly inadvisable that such elementary school be closed, the county superintendent may authorize the board in writing to contract with a teacher for such school for a stated period of time not to exceed three months.

Any contract with any teacher which is made in violation of the provisions of this act shall be null and void from its inception and no compensation shall be due or paid to any teacher who enters into a contract in violation of the provisions of this act.

279.17. **Arrangements by the County Superintendent When Board Fails.** Where a school has been closed and the board has failed to arrange for school facilities as provided in the preceding section at least twenty days before the time the school would otherwise begin, it shall be the duty of the county superintendent to notify the president of board of such corporation of such failure, and if the board does not arrange for school facilities within ten days thereafter, it shall then become the duty of the county superintendent to make such arrangements.

279.21. **Delegating Authority to Subdirector.** The board of directors of a school township may authorize the director of each subdistrict, subject to its regulations, to make contracts for the purchase of fuel, the repairing or furnishing of schoolhouses, and all other matters necessary for the convenience and prosperity of the schools in his subdistrict. Such contracts shall be binding upon the school township only when approved by the president of the board, and must be reported to the board. The powers specified in this section can not be exercised by individual directors of independent districts.

CENSUS

279.22. **School Census.** Each subdirector shall between the first and fifteenth days of June in each even numbered year, make a list, on blanks prepared for that purpose by the superintendent of public instruction showing, as of June 1, the following:

1. The name and post-office address of parents and guardians in his subdistrict with the name, sex, and age of all children or wards residing in the subdistrict who are between five and twenty-one years of age.

2. The name, age, and post-office address of every person resident of the subdistrict without regard to age so blind as to be unable to acquire an education in the common schools.

3. The name, age, and post-office address of every person between the ages of five and thirty-five whose faculties with respect to speech and hearing are so deficient as to prevent him from obtaining an education in the common schools.

4. The name, sex, age, and disability of every phys-

ally handicapped or feeble-minded person of school age, with the name and post-office address of the parent or guardian.

By the twentieth day of said month, the subdirector shall send this list to the secretary of the school township who shall make a full record thereof as required by law.

279.23. **Visiting Schools.** The board shall provide for visiting the schools of the district by one or more of its members and aid the teachers in the government thereof, and in enforcing the rules and regulations of the board.

279.24. **Discharge of Teacher.** The board may, by a majority vote, discharge any teacher for incompetency, inattention to duty, partiality, or any good cause, after a full and fair investigation made at a meeting of the board held for that purpose, at which the teacher shall be permitted to be present and make defense, allowing him a reasonable time therefor.

279.25. **Insurance—General Supplies—Free Text-books.** It may provide and pay out of the general fund to insure school property such sum as may be necessary, and may purchase dictionaries, library books, including books for the purpose of teaching vocal music, maps, charts, and apparatus for the use of the schools thereof to an amount not exceeding two hundred dollars in any one year for each school building under its charge; and may furnish schoolbooks to indigent children when they are likely to be deprived of the proper benefits of the school unless so aided, and shall, when directed by a vote of the district, purchase and loan books to scholars, and shall provide therefor by levy of general fund.

279.26. **Claims.** The board shall audit and allow all just claims against the corporation, and no order shall be drawn upon the treasury until the claim therefor has been audited and allowed.

279.27. **Exceptions.** Each warrant shall be made payable to the person entitled to receive such money. The board of directors of any school district, may, however, by resolution of record authorize the secretary to issue warrants when said board of directors is not in session in payment of freight, drayage, express, postage, printing, water, light, and telephone rents, but only upon duly verified bills for same filed with the secretary, and for the payment of salaries pursuant to the terms of a written contract, and said secretary shall either deliver in person or mail said warrant to the payee. Each such warrant shall be made payable only to the person performing the service or furnishing the supplies for which said warrant makes payment, and shall state the purpose for which said warrant is issued. All bills and salaries for which warrants are issued prior to audit and allowance by the board as provided herein shall be passed upon by the board of directors at the first meeting thereafter and shall

be entered of record in the regular minutes of the secretary.

279.28. **Settlement With Treasurer.** The board shall, from time to time, examine the accounts of the treasurer and make settlement with him.

279.29. **Compensation of Officers.** The board shall fix the compensation to be paid the secretary. No member of the board or treasurer shall receive compensation for official services except that in school township, rural or village independent districts, and in consolidated districts that contain a city or town having a population less than one thousand, the board may pay legally qualified school treasurer a reasonable compensation.

279.30. **Annual Statements.** On the first secular day in July, the board of each school township and with it the members of the board who retired in the preceding March, and the board of each independent school corporation, shall meet, examine the books of and settle with the secretary and treasurer for the year ending on the thirtieth day of June preceding, and transact such other business as may properly come before it. The treasurer at the time of such settlement shall furnish the board with a sworn statement from each depository showing the balance then on deposit in such depository. Should the secretary or treasurer fail to make proper reports for such settlement, the board shall take action to secure the same.

279.31. **Transfer of Funds.** If after the annual settlement it shall appear that there is a surplus in the general fund, the board may, at its discretion, transfer any or all of such surplus to the schoolhouse fund.

279.32. **Financial Statement—Publication.** In each consolidated district and in each independent city or town school district, the board shall during the first week of July of each year, publish by one insertion in at least one newspaper, if there is a newspaper published in said district, a summarized statement verified by affidavit of the secretary of the board showing the receipts and disbursements of all funds for the preceding school year. In all such districts of more than 125,000 population the statement of disbursements is to show the names of the persons, firms or corporations, and the total amount paid to each during the school year.

279.33. **Other Districts—Filing Statement.** In every other school district, and in every school district wherein no newspaper is published, the president and secretary of the board of directors thereof shall file the above statement with the county superintendent of schools during the 1st week in July of each year and shall post copies thereof in three conspicuous places in the district.

279.34. **Publishing Quarterly Statement of Summary of Proceedings Pertaining to Financial Matters, etc.**

ally handicapped or feeble-minded person of school age, with the name and post-office address of the parent or guardian.

By the twentieth day of said month, the subdirector shall send this list to the secretary of the school township who shall make a full record thereof as required by law.

279.23. **Visiting Schools.** The board shall provide for visiting the schools of the district by one or more of its members and aid the teachers in the government thereof, and in enforcing the rules and regulations of the board.

279.24. **Discharge of Teacher.** The board may, by a majority vote, discharge any teacher for incompetency, inattention to duty, partiality, or any good cause, after a full and fair investigation made at a meeting of the board held for that purpose, at which the teacher shall be permitted to be present and make defense, allowing him a reasonable time therefor.

279.25. **Insurance—General Supplies—Free Text-books.** It may provide and pay out of the general fund to insure school property such sum as may be necessary, and may purchase dictionaries, library books, including books for the purpose of teaching vocal music, maps, charts, and apparatus for the use of the schools thereof to an amount not exceeding two hundred dollars in any one year for each school building under its charge; and may furnish schoolbooks to indigent children when they are likely to be deprived of the proper benefits of the school unless so aided, and shall, when directed by a vote of the district, purchase and loan books to scholars, and shall provide therefor by levy of general fund.

279.26. **Claims.** The board shall audit and allow all just claims against the corporation, and no order shall be drawn upon the treasury until the claim therefor has been audited and allowed.

279.27. **Exceptions.** Each warrant shall be made payable to the person entitled to receive such money. The board of directors of any school district, may, however, by resolution of record authorize the secretary to issue warrants when said board of directors is not in session in payment of freight, drayage, express, postage, printing, water, light, and telephone rents, but only upon duly verified bills for same filed with the secretary, and for the payment of salaries pursuant to the terms of a written contract, and said secretary shall either deliver in person or mail said warrant to the payee. Each such warrant shall be made payable only to the person performing the service or furnishing the supplies for which said warrant makes payment, and shall state the purpose for which said warrant is issued. All bills and salaries for which warrants are issued prior to audit and allowance by the board as provided herein shall be passed upon by the board of directors at the first meeting thereafter and shall

be entered of record in the regular minutes of the secretary.

279.28. **Settlement With Treasurer.** The board shall, from time to time, examine the accounts of the treasurer and make settlement with him.

279.29. **Compensation of Officers.** The board shall fix the compensation to be paid the secretary. No member of the board or treasurer shall receive compensation for official services except that in school township, rural or village independent districts, and in consolidated districts that contain a city or town having a population less than one thousand, the board may pay legally qualified school treasurer a reasonable compensation.

279.30. **Annual Statements.** On the first secular day in July, the board of each school township and with it the members of the board who retired in the preceding March, and the board of each independent school corporation, shall meet, examine the books of and settle with the secretary and treasurer for the year ending on the thirtieth day of June preceding, and transact such other business as may properly come before it. The treasurer at the time of such settlement shall furnish the board with a sworn statement from each depository showing the balance then on deposit in such depository. Should the secretary or treasurer fail to make proper reports for such settlement, the board shall take action to secure the same.

279.31. **Transfer of Funds.** If after the annual settlement it shall appear that there is a surplus in the general fund, the board may, at its discretion, transfer any or all of such surplus to the schoolhouse fund.

279.32. **Financial Statement—Publication.** In each consolidated district and in each independent city or town school district, the board shall during the first week of July of each year, publish by one insertion in at least one newspaper, if there is a newspaper published in said district, a summarized statement verified by affidavit of the secretary of the board showing the receipts and disbursements of all funds for the preceding school year. In all such districts of more than 125,000 population the statement of disbursements is to show the names of the persons, firms or corporations, and the total amount paid to each during the school year.

279.33. **Other Districts—Filing Statement.** In every other school district, and in every school district wherein no newspaper is published, the president and secretary of the board of directors thereof shall file the above statement with the county superintendent of schools during the 1st week in July of each year and shall post copies thereof in three conspicuous places in the district.

279.34. **Publishing Quarterly Statement of Summary of Proceedings Pertaining to Financial Matters, etc.**

In each consolidated district and in each independent city or town school district except districts of over 125,000 population, the board shall quarterly publish by one insertion in at least one newspaper published in the district, if there is a newspaper published in the district, a statement verified by affidavit of the secretary of the board showing a summary of proceedings of the board pertaining to financial matters or expenses to the district for the previous quarter, including the list of all warrants issued by the board, the names of the persons, firms or corporations receiving same, the amount thereof and the reason therefor; except that warrants issued to persons, regularly employed by the school district for services regularly performed by them need be listed not oftener than annually. The fee for the publication of the statement provided for herein shall not exceed one-half of the legal publication fee provided by statute for the publication of legal notice.

282.1. School Age—Non-resident. Persons between five and twenty-one years of age shall be of school age, providing, however, that a board may establish and maintain evening schools for all residents of the corporation regardless of age and for which no tuition need be charged. Non-resident children and those sojourning temporarily in any school corporation may attend school therein upon such terms as the board may determine.

Minimum School Entrance Age. (Sec. 282.3, Iowa Code of 1950). Senate File 446, Act 53 G. A., SECTION 1. That on and after July 1, 1952, the conditions of admission to public schools for work in the school year immediately preceding the first grade and in the first grade shall be as follows:

No child under the age of six years on the fifteenth of November of the current school year shall be admitted to any public school unless the board of directors of the school (or the county board of education) shall have adopted and put into effect courses of study for the school year immediately preceding the first grade, approved by the department of public instruction and shall have employed a teacher or teachers for this work with standards of training approved by the department of public instruction.

SECTION 2. No child shall be admitted to school work for the year immediately preceding the first grade unless he is five years of age on or before the fifteenth of November of the current school year.

SECTION 3. No child shall be admitted to the first grade unless he is six years of age on or before the fifteenth of November of the current school year; except that a child under six years of age who has been admitted to school work for the year immediately preceding the first grade under conditions approved by the department of public instruction, or who has demonstrated the

possession of sufficient ability to profit by first-grade work on the basis of tests or other means of evaluation recommended or approved by the department of public instruction, may be admitted to first grade at any time before December 31.

SECTION 4. Nothing in this Act shall prohibit a school board from requiring the attainment of a greater age than the age requirements herein set forth.

282.2. Offsetting Tax. The parent or guardian whose child or ward attends school in any independent district of which he is not a resident shall be allowed to deduct the amount of school tax paid by him in said district from the amount of the tuition required to be paid.

282.3. Right to Exclude Pupil. The board may exclude from school children under the age of six years when in its judgment such children are not sufficiently mature to be benefited by attending, or any incorrigible child or any child who in its judgment is so abnormal that his attendance at school will be of no substantial benefit to him, or any child whose presence in school may be injurious to the health or morals of other pupils or to the welfare of such school.

282.4. Majority Vote—Suspension. The board may, by a majority vote, expel any scholar from school for immorality, or for a violation of the regulations or rules established by the board, or when the presence of the scholar is detrimental to the best interests of the school; and it may confer upon any teacher, principal, or superintendent the power temporarily to dismiss a scholar, notice of such dismissal being at once given in writing to the president of the board.

282.5. Readmission of Pupil. When a scholar is dismissed by the teacher, principal, or superintendent, as above provided, he may be readmitted by such teacher, principal, or superintendent, but when expelled by the board he may be readmitted only by the board or in the manner prescribed by it.

School Facilities—Discontinuance Of
Section 1. 274.15 Code 1950. Any school district by record action taken by its board of directors and approved by the county board of education may discontinue any or all of its educational facilities and contract with any school district maintaining approved schools to furnish such facilities, provided it is determined by the district and the county board of education that the per pupil cost of tuition and transportation to be contracted for does not exceed the per pupil cost of maintaining its own educational facilities. In the event the total per pupil cost of tuition and transportation proposed to be contracted for exceeds the total per pupil cost of maintaining facilities in its own schools, the district may nevertheless contract with another district, maintaining ap-

proved schools, to furnish such facilities provided the parents or the persons standing in loco parentis to the pupils involved will agree to share the pro rata amount of such excess cost. Contracts made under the provisions hereof shall not be made for a period to exceed one school year.

282.17. High School Outside Home District. Any person of school age who is a resident of a school corporation which does not offer a four-year high school course, and who has completed the course as approved by the department of public instruction for such corporation, shall be permitted to attend any public high school in the state approved in like manner that will receive him, or may attend any public school in an adjoining state, if said school in an adjoining state be nearer to the pupil's residence than any approved public high school in the state of Iowa.

But no board shall pay tuition to a high school outside the state for pupils whose actual residence is nearer to an approved high school in Iowa when measured by the nearest traveled public road.

Children who are residents of a charitable institution organized under the laws of this state and who have completed a course of study for the eighth grade as required by law, shall be permitted to enter any approved public high school in Iowa that will receive them and the tuition shall be paid by the treasurer of state from any money in his hands not otherwise appropriated and upon warrants drawn and signed by the state comptroller on requisition issued by the superintendent of public instruction. The superintendent of public instruction is hereby empowered to require such reports from such institution and from the high school such pupils attend, as are necessary properly to carry out the provisions of this act.

290.1. Appeal to County Superintendent. Any person aggrieved by any decision or order of the board of directors of any school corporation in a matter of law or fact may, within thirty days after the rendition of such decision or the making of such order, appeal therefrom to the county superintendent of the proper county; the basis of the proceedings shall be an affidavit filed with the county superintendent by the party aggrieved within the time for taking the appeal, which affidavit shall set forth any error complained of in a plain and concise manner.

PRESIDENT, SECRETARY AND TREASURER

291.1. President—Duties. The president of the board of directors shall preside at all of its meetings, sign warrants and drafts, respectively, drawn upon the county treasurer for money apportioned and taxes collected and belonging to his school corporation, and all orders on the

treasurer drawn as provided by law, sign all contracts made by the board and appear in behalf of his corporation in all actions brought by or against it, unless individually a party, in which case this duty shall be performed by the secretary.

291.2. Bonds of Secretary and Treasurer. The secretary and treasurer shall give bond to the school corporation in such penalty as the board may require and with sureties to be approved by it, which bond shall be filed with the president, conditioned for the faithful performance of his official duties, but in no case less than five hundred dollars.

291.3. Cost of Bond. If the bond of an association or corporation as surety is furnished, the reasonable cost of such bond may be paid by the school corporation.

291.4. Oath. Each shall take the oath required of civil officers which shall be endorsed upon the bond and shall complete his qualifications within ten days.

291.5. Action on Bond. In case of a breach of the bond, the president shall bring action thereon in the name of the school corporation.

291.6. Duties of Secretary. The secretary shall:

1. Preservation of records. File and preserve copies of all reports made to the county superintendent, and all papers transmitted to him pertaining to the business of the corporation.

2. Minutes. Keep a complete record of all the proceedings of the meetings of the board and of all regular or special elections in the corporation in separate books.

3. Account with treasurer. Keep an accurate, separate account of each fund with the treasurer; charge him with all warrants and drafts drawn in his favor, and credit him with all orders drawn on each fund.

4. Claims. Keep an accurate account of all expenses incurred by the corporation, and present the same to the board for audit and payment.

5. Poll Book. Record at all school elections in a book provided for that purpose, the names of all persons voting thereat, the number of votes cast for each candidate, and for and against each proposition submitted.

291.2. Monthly Receipts, Disbursements and Balances. The secretary of each independent town or city district shall file monthly, on or before the tenth day of each month, with the board of directors, a complete statement of all receipts and disbursements from the various funds during the preceding month, and also the balance remaining on hand in the various funds at the close of the period covered by said statement, which monthly statements shall be open to public inspection.

291.8. Warrants. He shall countersign all warrants and drafts upon the county treasurer drawn or signed by the president; draw each order on the treasurer, specify

the fund on which it is drawn and the use for which the money is appropriated; countersign and keep a register of the same, showing the number, date, to whom drawn, the fund upon which it is drawn, the purpose and the amount; and at each regular annual meeting furnish the board with a copy of the same.

291.9. **School Census.** He shall, between the first day of June and the first day of July each even-numbered year, enter in a book, prepared by the superintendent of public instruction for that purpose the following, taken as of June 1:

1. The name and post-office address of parents and guardians in his district with the name, sex, and age of all children or wards residing in the district who are between five and twenty-one years of age;

2. The name, age and post-office address of every person resident of the district with regard to age so blind as to be unable to acquire an education in the common schools;

3. The name, age, and post-office address of every person between the ages of five and 35 whose faculties with respect to speech and hearing are so deficient as to prevent him from obtaining an education in the common schools; and

4. The name, sex, age, and disability of every physically handicapped or feeble-minded person of school age, with the name and post-office address of the parent or guardian.

291.10. **Reports by Secretary.** He shall notify the county superintendent when each school is to begin and its length of term, and ten days after the regular July meeting in each year, file with the county superintendent a report on blanks prepared for that purpose by the superintendent of public instruction showing:

1. The number, as shown by the last preceding school census, of persons of school age in the corporation, distinguishing the sexes.

2. The number of schools and branches taught.

3. The number of scholars enrolled and the average attendance in each school.

4. The number of teachers employed and the average compensation paid per month, distinguishing the sexes.

5. The length of school in days.

6. The average cost of tuition per month for each scholar.

7. The textbooks used.

8. The number of volumes in library.

9. The value of apparatus belonging to the corporation.

10. The number of schoolhouses and their estimated value.

11. The name, age, and post-office address of each

person resident of the corporation, without regard to age, so blind as to be unable to acquire an education in the common schools and of each person between the ages of five and thirty-five whose faculties with respect to speech and hearing are so deficient as to prevent him from obtaining an education in the common schools, and the name, sex, age and disability of each physically handicapped or feeble-minded person of school age, with the name and post-office address of the parent or guardian.

291.11. **Officers Reported.** He shall report to the county superintendent, auditor, and treasurer, the name and postoffice address of the president, treasurer, and secretary of the board as soon as practicable after the qualification of each.

291.12. **Duties of Treasurer—Payment of Warrants.** The treasurer shall receive all moneys belonging to the corporation, pay the same only upon the order of the president countersigned by the secretary, keeping an accurate account of the receipts and expenditures in a book provided for that purpose. He shall register all orders drawn and reported to him by the secretary, showing the number, date, to whom drawn, the fund upon which drawn, the purpose and amount.

291.13. **General and School House Funds.** The money collected by a tax authorized by the electors or proceeds of the sale of bonds authorized by law or the proceeds of a tax estimated and certified by the board for the purpose of paying interest and principal on lawful bonded indebtedness or for the purchase of sites as authorized by law, shall be called the school house fund, and, except when authorized by the electors, may be used only for the purpose for which originally authorized or certified. All other moneys received for any other purpose shall be called the general fund. The treasurer shall keep a separate account with each fund, paying no order that fails to state the fund upon which it is drawn and the specific use to which it is to be applied.

Partial Payment Interest. Whenever an order cannot be paid in full out of the fund upon which it is drawn, partial payment may be made. All school orders shall draw lawful interest not to exceed 4%, after being presented to the treasurer and by him endorsed as not paid for want of funds.

291.14. **Financial Statement.** He shall render a statement of the finances of the corporation whenever required by the board, and his books shall always be open for inspection.

291.15. **Annual Report.** He shall make an annual report to the board at its regular July meeting, which shall show the amount of the general fund and the school-house fund held over, received, paid out, and on hand, the several funds to be separately stated, and he shall

immediately file a copy of this report with the county superintendent.

COMMON SCHOOL LIBRARIES

291.1. Library Fund. The auditor of each county in this state shall withhold annually the money received from the semi-annual apportionment of the interest of the permanent school fund for the several school districts for the purchase of books as hereinafter provided.

House File 564, 54th G. A. Amended Chapter three hundred two (302), Code of Iowa 1950, relating to school funds as follows:

Permanent School Fund—

Section 1. Section three hundred two point one (302.1), Code 1950, subsection one (1), is hereby amended by striking the comma (,) in line five (5), and substituting in lieu thereof a period (.), and by striking everything thereafter.

Sec. 2. Section three hundred two point two (302.2), Code 1950, is hereby amended by striking the period (.) in line five (5), and substituting in lieu thereof the following: ", and the county treasurer shall pay the proceeds to the state treasurer once each month."

Sec. 3. Section three hundred two point five (302.5), Code 1950, is hereby amended by adding at the end thereof the following: "Such county treasurer shall pay to the state treasurer on the first (1st) day of February all interest collected."

Sec. 4. Section three hundred two point seven (302.7), Code 1950, is hereby amended by striking everything after the word "and" in line thirty-two (32), and substituting in lieu thereof the following: "the county treasurer shall forthwith pay the same to the state treasurer which shall become a part of the permanent school fund."

Sec. 5. Sections three hundred two point thirteen (302.13) and three hundred two point fourteen (302.14), Code 1950, are hereby repealed and the following substituted in lieu thereof:

"On the first (1st) Monday of March annually, the state comptroller shall apportion the interest of the permanent school fund among the several counties, in proportion to the number of persons of school age in each county, as shown by the report of the superintendent of public instruction, as provided by section two hundred fifty-seven point four (257.4), subsection twelve (12)."

Sec. 6. Section three hundred two point fifteen (302.15), Code 1950, is hereby repealed and the following substituted in lieu thereof:

"All property and money hereafter accrued to the permanent school fund shall be managed and controlled by the state treasurer, and he shall be responsible for the

safekeeping, investment, reinvestment and disbursement of the same."

Sec. 7. Section three hundred two point sixteen (302.16), Code 1950, is hereby amended as follows:

1. By striking the word "county" in line three (3) and substituting in lieu thereof the word "state."

2. By striking the words "county attorney" in line four (4), and substituting in lieu thereof the words "attorney general," and by placing a period (.) thereafter, and by striking the following: "or such attorney as the board may select."

Sec. 8. Section three hundred two point nineteen (302.19), Code 1950, is hereby amended by striking everything after line two (2) and substituting in lieu thereof the following: "the state treasurer as it comes into his hands."

Sec. 9. Section three hundred two point twenty (302.20), Code 1950, is hereby repealed and the following substituted in lieu thereof:

"The permanent school fund which is, at any time, in the custody of the state treasurer, shall be invested as follows:

1. In bonds, notes, certificates and other valid obligations of the United States;

2. In bonds, notes, debentures and other securities issued by any federal instrumentality and fully guaranteed by the United States;

3. In bonds, notes, certificates and other valid obligations of the state of Iowa or of any county, township, city, town or other political subdivision of the state of Iowa which are issued pursuant to law."

Sec. 10. Sections three hundred two point twenty-one (302.21), three hundred two point twenty-two (302.22), three hundred two point twenty-three (302.23), three hundred two point twenty-five (302.25), three hundred two point twenty-six (302.26), three hundred two point twenty-seven (302.27) and three hundred two point forty-three (302.43), Code 1950, are hereby repealed.

Sec. 11. Chapter three hundred two (302), Code 1950, is further amended by adding thereto the following:

"The board of supervisors shall order and direct the county auditor to draw his warrant, payable to the state treasurer, for the amount of the permanent school fund not loaned and which is held in cash in the custody and possession of such county.

"All loans of the permanent school fund which are secured by mortgages and are outstanding and unpaid as of January 1 (1st), 1951, shall be collected when the mortgages mature and be paid to the state treasurer to become a part of the permanent school fund.

"All bonds, whether federal, state or municipal, held by the counties which were purchased with permanent

school funds by the counties shall be surrendered to the state treasurer to become a part of the permanent school fund."

292.2. **Purchase of Books—Distribution.** Between the first Monday of July and the first day of October in each year, the county board of education shall expend all money, withheld by the auditor, as provided in the preceding section, in the purchase of books for the use of the school district.

The county board of education may distribute the books thus purchased to the librarians of the several school districts in the proportion that the number of persons of school age living in the school district bears to the number of such persons living in the county, or may entrust the custody of such books to the county superintendent of schools to be loaned by him to schools of the county in the manner of a circulating library; provided that if the circulating library method is adopted, in whole or in part, any independent district or any consolidated district maintaining a high school shall, upon request of its board of directors, be excluded therefrom and be allowed its distributive share of such books on the basis first above mentioned in this section. Directors of the school districts having permanent libraries, shall upon approval by the county superintendent of schools, be permitted to make temporary and permanent exchanges of books between school districts, or to turn books over to the county superintendent of schools to become a part of the circulating library. The county superintendent shall keep a record of all books in his custody.

Note: Since the county superintendent is the executive secretary of the county board of education, the duty of purchasing and distributing books under this section, usually falls to this officer.

293.3. **Closed Schools—Funds Used.** The county board of education is hereby authorized and empowered to extend any or all of the library fund created by Section 292.1, to be apportioned to the schools that have been or may be closed hereafter for library books to be loaned to the schools of the county that remain open as directed by the county board of education. The county superintendent of schools shall be the custodian of such books and shall keep a record of them in a book provided for that purpose.

Senate File 201 of 52nd G. A. provided for the legalization and establishment of county library systems comprised of territory not belonging to a present system, and makes possible an extended rural library service.

STANDARD RURAL SCHOOLS STANDARDIZATION AND STATE AID

Note—As there were no appropriations made by the

53rd and 54th G. A. Standard Rural Schools may be considered discontinued under the former plan, hence no text is herein included.

STATE AID TO SCHOOL DISTRICTS

286.1. **Right of districts to financial aid.** For the purpose of equalizing educational opportunity in the school districts throughout the state, the several school districts in the state shall be entitled to and receive financial aid from the state in the manner and amount as provided in this chapter. The aid provided for in this chapter is supplementary aid. Supplementary aid is that aid which is available to districts which qualify under the provisions of this chapter. (51GA, ch 134§1)

286.2. **Definitions.** For the purposes of this chapter an elementary pupil is a pupil of school age attending public school who has not entered the ninth grade, and a high school pupil is a pupil of school age attending public school in any of the grades ninth to twelfth inclusive. (51GA, ch 134§2)

286.3. **Aid to qualified districts.** Supplementary aid shall be paid by the state to those districts which qualify, as hereinafter provided. (51GA, ch 134§3)

286.4. **Conditions and requirements.** Supplementary aid shall be paid under the following conditions and requirements:

1. Supplementary aid shall be paid to a district only when the funds described in subsection 2 of this section are insufficient to meet an educational cost of seventy-five dollars per elementary child and one hundred twenty-five dollars per high school child in average daily attendance, and then only to the extent of this deficiency.

2. The funds which shall be considered available to any district to meet the educational cost described in subsection 1 of this section, shall include: (a) the estimated proceeds of a standard local tax rate (exclusive of the rate for the schoolhouse fund) of seventeen mills for independent districts with high schools, ten mills for consolidated and other districts with high schools, and seven mills for elementary districts, (b) proceeds of the semi-annual apportionment; (c) estimated proceeds of the moneys and credits tax; and (d) receipts in the general fund called "other revenue" and "other nonrevenue", (excluding transfers from the schoolhouse fund). (51GA, ch 134§4)

286.5. **Basis of aid.** Supplementary aid shall be on the basis of per school census child and shall be computed and determined as follows:

1. Multiply seventy-five dollars by the combined number of non-tuition elementary students in average daily attendance and average number of elementary students

for which the district pays tuition to another district.

2. Multiply one hundred twenty-five dollars by the combined number of non-tuition high school students in average daily attendance and average number of high school students for which the district pays tuition to another district.

3. Take the sum of the amounts found in subsections 1 and 2 of this section.

4. From this sum, subtract the receipts in the general fund, which are described in subsection 2 of this section 286.4.

5. Divide the remainder obtained in subsection 4 by the school census to determine the amount per census child to which the district may be entitled in supplementary aid. (51GA, ch 134§5)

286.6. Determination of total aid. The amount of supplementary aid per census child to which the district is entitled, if any, shall be multiplied by the school census to obtain the total state aid to which the district is entitled. (51GA, ch 134§6)

286.7. Information furnished by school district. The supplementary aid shall take the form of reimbursement to the school district for its educational program of the preceding year. At the close of each school year, but not later than June 30, the local district shall supply to the state department of public instruction the information required for calculation of the amount reimbursable to the district. Forms for this purpose shall be supplied by the state department to each school district at the beginning of each school year. After the claim has been calculated and validated for accuracy, the department of public instruction shall immediately certify to the state comptroller the amount of reimbursement due to each school district, and in no event shall the process of certification, calculation and validation extend more than sixty days beyond the time when a given district has submitted its data for the preceding year. In event that the amount appropriated for reimbursement of the school districts is insufficient to pay in full the amounts to each of the school districts, then the amount of each payment shall be reduced by the state comptroller in the ratio that the total funds appropriated and available bears to the total amount certified for reimbursement. (51GA, ch 134§7)

APPROPRIATIONS

54th G. A.

House File 597

For Veterans Education Program.

Section 1. There is hereby appropriated from the general fund of the state for the biennium beginning July 1, 1951, and ending June 30, 1953, to the department of

public instruction the sum of twenty thousand dollars (\$20,000.00) or so much thereof as may be necessary for the use of the veterans education program to be used as a revolving fund to pay salaries and travel of personnel which will be reimbursed by the veterans administration.

Total

For School Lunch Program.

Sec. 2. There is hereby appropriated from the general fund of the state for the biennium beginning July 1, 1951, and ending June 30, 1953, to the department of public instruction the sum of seven thousand five hundred dollars (\$7,500.00) or so much thereof as may be necessary to be used as a revolving fund to cover warehousing, handling, and transportation of direct distribution of federal surplus commodities which will be reimbursed by charging pro rata costs of these items to receiving schools and institutions.

Total

(See Page --- for further information on School Lunch Program. Senate File 228).

House File 599

State Aid For Transportation as provided by Chapter 285, Iowa Code of 1950.

Section 1. There is hereby appropriated from the general fund of the state of Iowa to the department of public instruction for each year of the biennium beginning July 1, 1951, and ending June 30, 1953, the sum of three million dollars (\$3,000,000), or so much thereof as may be necessary, for state aid for transportation as provided by chapter two hundred eighty-five (285), Code 1950.

House File 598

For Specified School Aid.

Section 1. There is hereby appropriated from the general fund of the state of Iowa to the department of public instruction for each year of the biennium beginning July 1, 1951, and ending June 30, 1953, the sum of six hundred forty-seven thousand five hundred dollars (\$647,500.00), or so much thereof as may be necessary, to be used in the following manner:

| | |
|---|--------------|
| Aid to handicapped children (special education), as provided in chapter two hundred eighty-one (281), Code 1950, to include thirty thousand dollars (\$30,000.00) for hearing tests | \$526,000.00 |
| Mining camp school emergency | 27,000.00 |
| Mining camp schools state aid | 45,000.00 |
| Normal Institutes | 49,500.00 |

Total

House File 600—54th G. A. 1951
Supplemental Aid to Certain School Districts as provided by Chapter 286, Iowa Code of 1950.

Section 1. There is hereby appropriated from the general fund of the state of Iowa to the department of public instruction for each year of the biennium beginning July 1, 1951, and ending June 30, 1953, the sum of two million dollars (\$2,000,000) or so much thereof as may be necessary for supplemental aid to such school districts of the state as qualify under the provisions of chapter two hundred eighty-six (286), Code 1950.

House File 601—54th G. A. 1951

General State Aid For School Districts as provided by Chapter 286A, Iowa Code of 1950.

Section 1. There is hereby appropriated from the general fund of the state of Iowa to the department of public instruction for each year of the biennium beginning July 1, 1951, and ending June 30, 1953, the sum of twelve million dollars (\$12,000,000), or so much thereof as may be necessary, for general state aid to school districts as provided by chapter two hundred eighty-six A (286A), Code 1950.

GENERAL SCHOOL AID

HOUSE FILE 224 Acts, 53rd GA. Section 1. The several school districts in the state of Iowa shall be entitled to and receive financial aid from the state in the manner and amount as provided in this act.

Section 2. For the purposes of this act an elementary pupil is a pupil of school age attending public school who has not entered the ninth grade, and a high school pupil is a pupil of school age attending public school in any of the grades ninth to twelfth inclusive.

Section 3. General school aid distributed under this act shall be on the basis of seventeen cents per day per elementary pupil and twenty cents per day per high school pupil for every day that such pupils actually attend school, "twenty-five (25) cents per day for each junior college student carrying twelve (12) or more semester hours of college work."

Section 4. The general school aid funds allocated to each district shall be determined as follows:

1. Multiply seventeen cents by the combined number of nontuition elementary students for which the district pays tuition to another district. Multiply this product by the actual number of days school was officially in session, not to exceed one hundred eighty days.

2. Multiply twenty cents by the combined number of nontuition high school students in average daily attendance and average number of high school students for which the district pays tuition to another district. Multiply this product by the actual number of days school was officially in session, not to exceed one hundred eighty days.

3. "Multiply twenty-five (25) cents by the average

daily enrollment of junior college students carrying twelve (12) or more semester hours of college work. Multiply this product by the actual number of days school was officially in session, not to exceed one hundred eighty (180) days."

4. Take the sum of the amounts found in subsections one (1), two (2) and three (3) of this section, this being the amount to which the district is entitled for general school aid under this act.

Section 5. At the close of each school year, but not later than July 5, the local district shall supply to the state department of public instruction the information required for calculation of the amount reimbursable to the district. Forms for this purpose shall be supplied by the state department to each school district not later than June 1. After all claims have been calculated and validated for accuracy, the department of public instruction shall certify the same to the state comptroller for payment as soon as possible. In event that the amount appropriated for reimbursement of the school districts is insufficient to pay in full the amounts to each of the school districts, then the amount of each payment shall be reduced by the state comptroller in the ratio that the total funds appropriated and available bears to the total amount certified for reimbursement. All funds received or to be received under the provisions of this act shall be taken into account and considered by each school district when estimating the amount required for the general fund.

Section 5. The school levy in each year of the ensuing biennium shall be based upon the school levy of the preceding year reduced by an amount equivalent to the increased state aid to that district provided by this act over and above the amount appropriated by the Fifty-second (52nd) General Assembly after reflecting any increase or decrease in cost of operation cause by: (1) change in enrollment, (2) tuition, (3) number of persons employed, (4) normal repairs, (5) cost of fuel, (6) salary schedule, (7) rent and new items of expenditure.

Section 6. The superintendent of public instruction is hereby authorized to adopt such rules and regulations and definitions of terms as are necessary and proper for the administration of this chapter. The necessary expenses incurred by the department of public instruction in the administration of this act may be paid from the appropriation therefor. When such conditions as unnatural weather hazards, bad roads, epidemics, and the like, occur to such an extent as to penalize any district, the superintendent of public instruction can adjust the formula by taking the average of several months attendance in lieu of the months affected by such epidemics or hazards.

Section 7. For the purpose of carrying out the provi-

sions of this act for the distribution of general aid herein appropriated the funds of each school district, except school house funds, shall be designated as a general fund and a special courses fund.

All general aid monies distributed to a public school district from the appropriations provided by this act shall be placed in said school district in the said general fund of said district which fund shall be used only for the following purposes:

The cost of operating and maintaining the school and the cost of instruction and supervision occasioned by the teaching of the basic curriculum hereinafter described.

The special courses fund shall consist of monies raised by levy against the taxable property of the school district for the cost of instruction and supervision in teaching courses other than those included in the basic curriculum.

For the purpose of this act, there is hereby established in each public school a basic curriculum which consist of the following subjects:

a. In the elementary school, the following: Kindergarten courses, reading, writing, arithmetic, spelling, grammar, including written and oral language and speech, geography, United States history, history of Iowa, elementary principles of American government, music, health and sanitation, physiology and hygiene including the teaching of the effects of alcohol, narcotics and poisons upon the human system, physical education, elementary sciences, art, and other courses expressly authorized by law.

b. In the junior and senior high school the following: Principles of American government, constitution of the United States and Iowa, history, economics, sociology, physical education, music, industrial art, English, mathematics, science, language, business education, home economics, agriculture, vocational education, and other courses expressly authorized by law.

c. Any additional subjects which may be required to be taught by law.

The board of directors of each school district shall prepare a budget as required by law setting out the amount of money proposed to be expended from the general fund and from the special courses fund. The board shall include all state funds distributed to the district under the provisions of this act in the anticipated income to be received by the general fund, and the amount to be raised by taxation for general fund purposes shall be fixed after deducting the amount to be received from the appropriations in this act and any other funds received from the state of Iowa, from the budget requirements. The board shall include in its budget as a separate item any proposed expenditures from the special courses fund and the amount to be raised by taxation for such purposes shall

be separate and distinct from the levy for general fund purposes.

No transfer of funds shall be made to the special courses fund from the general fund, any provisions of the law to the contrary notwithstanding.

298.1. School taxes. The board of each school corporation shall at its regular meeting in July, or at a special meeting called between the time for the regular meeting and the twenty-fifth day of July, estimate the amount required to be raised by taxation for the general fund. The amount so estimated shall not exceed the following sum for each person of school age:

1. All school corporations having a school enumeration of twelve hundred or more, one hundred forty dollars.

2. All school corporations having a school enumeration of less than twelve hundred and exceeding two hundred fifty, one hundred sixty dollars.

3. All other school corporations, one hundred seventy-five dollars, except corporations not maintaining an approved high school, two hundred dollars, and such additional amount as will be necessary to pay the cost of tuition of pupils attending high schools; provided, however, that compliance with Chapter twenty-four (24), Code of 1950, shall be observed, provided that corporations not maintaining an approved high school and which have tuition pupils attending high school in other districts may levy such an additional amount as will be necessary to pay the cost of tuition for such pupils.

298.2. Emergency increase—approval. In all school districts where the maximum statutory allowances provided in section 298.1 are not sufficient to meet the budget requirements, upon proper showing by any such school district the state comptroller may authorize such district to levy an additional amount above the said maximum statutory allowance for each person of school age in the district, up to but not in excess of thirty-five percent, provided that the comptroller may, upon recommendation of the county board of education, or the county board of supervisors of the county in which the school is located, authorize such district to levy an amount in excess of thirty-five percent.

298.4. Transportation fund—tax for free textbooks. In addition to the amounts authorized by sections 298.1 and 298.3, school boards may include in their estimates not to exceed five dollars for each person of school age for transporting children to and from school, when authorized by law; also the additional sum authorized by section 301.4.

298.7. Contract for use of library. The board of directors of any school corporation in which there is no free public library may contract with any free public

library for the free use of such library by the residents of such school district, and pay such library the amount agreed therefor as provided by law. During the existence of such contract, the board shall certify annually a tax sufficient to pay such library the consideration agreed upon, not exceeding one-fourth mill on the dollar of the taxable property of such district. During the existence of such contract, the school corporation shall be relieved from the requirement that the school treasurer withhold funds for library purposes. This section shall not apply in townships where a contract for other library facilities is in existence.

298.18. **Bond tax.** The board of each school corporation shall, when estimating and certifying the amount of money required for general purposes, estimate and certify to the board of supervisors of the proper county for the schoolhouse fund the amount required to pay interest due or that may become due for the year beginning January 1 thereafter, upon lawful bonded indebtedness, and in addition thereto such amount as the board may deem necessary to apply on the principal.

The amount estimated and certified to apply on principal and interest for any one year shall not exceed seven mills on the dollar of the assessed valuation of the taxable property of the school corporation. Provided that when because of reduced valuation a seven-mill tax is not sufficient to produce the amount required to pay the interest and one-twentieth of the principal of the original issue of bonds legally issued prior to the year 1934, the board may certify such amount and the county auditor shall compute and apply such tax rate for such purposes as may be necessary to raise the amount so certified and the funds so raised shall be used only for the purpose of paying interest and principal on such bonds and shall not be subject to transfer.

Provided further that the tax limitation contained in this section shall not operate to restrict or prevent a school district in the issuance of refunding bonds to pay interest or principal of bonds outstanding on March 31, 1934.

298.20. **Funding or refunding bonds.** For the purpose of providing for the payment of any indebtedness of any school corporation represented by judgments or bonds, the board of directors of such school corporation, at any time or times, may provide by resolution for the issuance of bonds of such school corporation, to be known as funding or refunding bonds. The proceeds derived from the negotiation of such funding or refunding bonds shall be applied in payment of such indebtedness; or said funding bonds or refunding bonds may be issued in exchange for the evidences of such indebtedness, par for par.

298.21. **School bonds.** The board of directors of any

school corporation when authorized by the voters at the regular election or at a special election called for that purpose, may issue the negotiable, interest-bearing school bonds of said corporation for borrowing money for any or all of the following purposes:

1. To acquire sites for school purposes.
2. To erect, complete, or improve buildings authorized for school purposes.
3. To acquire equipment for schools, sites, and buildings.

Vote required to authorize bonds, § 75.1.

Note: Refer to § 296.1, also to § 276.24 for consolidated school districts.

Note: See also ch 75 and ch 76.

298.22. **Form—rate of interest—where registered.** All of said bonds shall be substantially in the form provided for county bonds, but subject to changes that will conform them to the action of the board providing therefor; shall run not more than twenty years, and may be sooner paid if so nominated in the bond; be in denomination of not more than one thousand dollars or less than one hundred dollars each; bear a rate of interest not exceeding five percent per annum, payable semiannually; be signed by the president and countersigned by the secretary of board of directors; and shall not be disposed of for less than par value, nor issued for other purposes than this chapter provides.

All of said bonds shall be registered in the office of the county auditor.

The expenses of engraving and printing may be paid out of the general fund.

Form of county bonds, see § 346.3.

AUTHORIZATION AND SALE OF PUBLIC BONDS

MATURITY AND PAYMENT OF BONDS

See Sections in Chapter 75 and 76, Iowa Code of 1950

INDEBTEDNESS OF SCHOOL DISTRICTS

296.1. **Indebtedness authorized.** Any school corporation shall be allowed to become indebted for the purpose of building and furnishing a schoolhouse or schoolhouses and additions thereto, gymnasium, stadium, fieldhouse, teachers' or superintendent's home or homes, and procuring a site or sites therefor, or for the purpose of purchasing land to add to a site already owned, to an amount not to exceed in the aggregate, including all other indebtedness, five percent of the actual value of the taxable property within such school corporation, such value to be ascertained by the last county tax list previous to the incurring of such indebtedness, anything contained in section 407.1 to the contrary notwithstanding.

Limitation on indebtedness, § 407.1, 407.2.

Note: Refer to §298.21 if total indebtedness does not exceed 1¼% of valuation, also to §276.24 for consolidated school districts.

296.2. **Petition for election.** Before such indebtedness can be contracted in excess of one and one-quarter percent of the assessed value of the taxable property, a petition signed by a number equal to twenty-five percent of those voting at the last regular school election shall be filed with the president of the board of directors, asking that an election be called, stating the amount of bonds proposed to be issued and the purpose for which the indebtedness is to be created, and that the necessary schoolhouse or schoolhouses cannot be built and equipped, or that sufficient land cannot be purchased to add to a site already owned, within the limit of one and one-quarter percent of the valuation.

296.3. **Election called.** The president of the board of directors on receipt of such petition shall, within ten days, call a meeting of the board which shall call such election, fixing the time and place thereof, which may be at the time and place of holding the regular school election.

296.4. **Notice—ballots.** Notice of such election shall be given by publication once each week for four weeks in some newspaper published in the district, or, if there is none, in some newspaper published in the county and of general circulation in the district. The notice shall state the date of the election, the hours of opening and closing the polls and the exact location thereof, and the questions to be submitted, and shall be in lieu of any other notice. Any other statute to the contrary notwithstanding. At such election the ballot shall be prepared and used in substantially the form for submitting special questions at general elections.

Form of ballot, §49.43 et seq.; also §345.6, Code 1950.

296.5. **Date of election.** The election shall be held on a day not less than five nor more than twenty days after the last publication of notice.

SCHOOLHOUSES AND SCHOOLHOUSE SITES WITH AMENDMENTS OF 54th G. A. H. F. 370

297.1. **Location.** The board of each school corporation may fix the site for each schoolhouse, which shall be upon some public highway already established or procured by such board and not in any public park, and except in cities, towns, and villages, not less than thirty rods from the residence of any landowner who objects thereto.

In fixing such site, the board shall take into consideration the number of scholars residing in the various portions of the school corporation and the geographical location and convenience of any proposed site.

297.2. **Ten-acre limitation.** Except as hereinafter provided, any school corporation may take and hold so much real estate as may be required for such site, for the location or construction thereon of schoolhouses, and the convenient use thereof, but not to exceed ten acres exclusive of public highway.

297.3. **Thirty-acre limitation.** Any school corporation including a city, town, village, or city under special charter, may take and hold an area equal to two blocks exclusive of the street or highway, for a schoolhouse site, and not exceeding thirty acres for school playground, stadium or field house or other purposes for each such site.

Note: The word "five" was stricken and the word "thirty" inserted in line six. See ch 154, Acts 52GA. School districts listed in this section may now secure school sites up to thirty acres.

297.4. **Ten-acre limitation.** Consolidated districts may take and hold not to exceed ten acres for any one site, and any school corporation may acquire additional ground by donation.

297.5. **Tax.** The directors in any independent district whose territory composed wholly or in part of territory occupied by any city or city under special charter may, at their regular meeting in July, or at a special meeting called for that purpose between the time designated for such regular meeting and the third Monday in August, certify an amount not exceeding one mill to the board of supervisors, who shall levy the amount so certified, and the tax so levied shall be placed in the schoolhouse fund and used only for the purchase of sites in and for said school district.

297.6. **Condemnation.** If the owner of real estate desired for any purpose for which any school may be authorized to take and hold real estate refuses to convey the same, or is dead or unknown or cannot be found, or if in the judgment of the board of directors of the corporation they cannot agree with such owner as to the price to be paid therefor, such real estate may be taken under condemnation proceedings in accordance with the provisions of chapter 472.

297.7. **Erection or repair of schoolhouse.** Before erecting a schoolhouse, the board of directors shall consult with the county superintendent as to the most approved plan for such building, and secure his approval of the plan submitted. Before any one-room schoolhouse shall be erected or repaired at a cost exceeding five hundred dollars, or before any schoolhouse containing more than one room shall be erected or repaired at a cost exceeding one thousand dollars, proposals therefor shall be invited by advertisement published once each week for two consecutive weeks in some newspaper published in the county in which the work is to be done, and the contract shall

be let to the lowest responsible bidder but the board may reject any and all bids and advertise for new bids. After any bid is accepted, a written contract shall be entered into, and the contractor shall furnish bonds with sureties for the faithful performance of the contract.

297.8. **Emergency repairs.** When emergency repairs costing more than one thousand dollars are necessary in order to prevent the closing of any school, the provisions of the act with reference to advertising for bids shall not apply, and in that event the board may contract for such emergency repairs without advertising for bids; provided, however, that before such emergency repairs can be made to any schoolhouse, it shall be necessary to procure a certificate from the county superintendent that such emergency repairs are necessary to prevent the closing of such school.

See §297.7

297.9. **Use for other than school purposes.** The board of directors of any school corporation may authorize the use of any schoolhouse and its grounds within such corporation for the purpose of meetings of granges, lodges, agricultural societies, for parent-teacher association, for community recreational activities, for public forums and similar community purposes; provided, however, that the board may not grant such permission to any organization known or believed to hold views that are in conflict with the republican form of government as set forth in the constitution of the United States; and for election purposes, and for other meetings of public interest; provided that such use shall in no way interfere with school activities; such use to be for such compensation and upon such terms and conditions as may be fixed by said board for the proper protection of the schoolhouse and the property belonging therein, including that of pupils.

Schoolhouses as polling places. §49.24

297.10. **Compensation.** Any compensation for such use shall be paid into the general fund and be expended in the upkeep and repair of such school property, and in purchasing supplies therefor.

297.11. **Use forbidden.** If at any time the voters of such corporation at a regular election forbid such use of any such schoolhouse or grounds, the board shall not thereafter permit such use until the said action of such voters shall have been rescinded by the voters at a regular election, or at a special election called for that purpose.

Note: Refer to §297.9

297.12. **Renting schoolroom.** The board may, when necessary, rent a room and employ a teacher, where there are ten children for whose accommodation there is no schoolhouse.

298.18. **Bond Tax.** The board of each school corporation shall, when estimating and certifying the amount of money required for general purposes estimate and certify

to the board of supervisors of the proper county the amount required to pay interest due or that may become due for the year beginning January 1st thereafter, upon lawful bonded indebtedness, and in addition thereto such amount as the board may deem necessary to apply on the principal.

The amount estimated and certified to apply on principal and interest for any one year shall not exceed seven mills on the dollar of the ASSESSED valuation of the taxable property of the school corporation.

Provided that when because of reduced valuation a seven mill tax is not sufficient to produce the amount required to pay the interest and one-twentieth of the principal of the original issue of bonds legally issued prior to the year 1934, the board may certify such amount and the county auditor shall compute and apply such tax rate for such purposes as may be necessary to raise the amount so certified and the funds so raised shall be used only for the purpose of paying interest and principal on such bonds and shall not be subject to transfer.

Provided further that the tax limitation contained in this section shall not operate to restrict or prevent a school district in the issuance of refunding bonds to pay interest of principal of bonds outstanding on March 31st, 1934.

TEACHERS

294.1. **Qualifications—compensation prohibited.** No person shall be employed as a teacher in a common school which is to receive its distributive share of the school fund without having a certificate of qualification given by the county superintendent of the county in which the school is situated, or a certificate or diploma issued by some other officer duly authorized by law.

No compensation shall be recovered by a teacher for services rendered while without such certificate or diploma.

294.2. **Experience in teaching recognized.** No regulations or orders by the state superintendent of public instruction or the board of educational examiners with reference to the qualifications of teachers, in regard to having taken certain high school or collegiate courses or teachers training courses, shall be retroactive so as to apply to any teacher who has had at least three years successful experience in teaching; and no teacher once approved for teaching in any kind of school shall be prevented by such regulations or orders from continuing to teach in the same kind of school for which he has previously been approved; provided, however, that this section shall not be construed as limiting the duties or powers of any school board in the selection of teachers, or in the dismissal of teachers for inefficiency or for any legal cause.

Referred to in §294.3

294.3. State aid and tuition. No school shall be deprived of its right to be approved for state aid or approved for tuition by reason of the employment of any teacher as authorized under section 294.2.

294.4. Daily register. Each teacher shall keep a daily register which shall correctly exhibit the name or number of the school, the district and county in which it is located, the day of the week, month, year, and the name, age, and attendance of each scholar, and the branches taught; and when scholars reside in different districts separate registers shall be kept for each district, and a certified copy of the register shall, immediately at the close of the school, be filed by the teacher in the office of the secretary of the board.

294.5. Reports. The teacher shall file with the county superintendent such reports and in such manner as he may require.

TEACHERS CERTIFICATES—RULES GOVERNING

See Chapter 260, Iowa Code of 1950

The text of this chapter is too extensive to be included in this Manual. Complete information concerning the new Regulations governing Certification of Teachers may be obtained from The State Board of Educational Examiners, Des Moines, Iowa.

COMPULSORY EDUCATION

299.1. Attendance Requirement. Any person having control of any child over seven and under sixteen years of age, in proper physical and mental condition to attend school, shall cause said child to attend some public or private school for at least twenty-four consecutive school weeks in each school year, commencing with the first week of school after the first day of September, unless the board of school directors shall determine upon a later date, which date shall not be later than the first Monday in December.

The board may, by resolution, require attendance for the entire time when the schools are in session in any school year.

In lieu of such attendance such child may attend upon equivalent instruction by a competent teacher elsewhere than at school.

299.2. Exceptions. Section 299.1 shall not apply to any child:

1. Who is over the age of fourteen and is regularly employed.
2. Whose educational qualifications are equal to those of pupils who have completed the eighth grade.

3. Who is excused for sufficient reason by any court of record or judge.

4. While attending religious services or receiving religious instructions.

Referred to in §299.6

299.6. Violations. Any person who shall violate any of the provisions of sections 299.1 to 299.4, inclusive, shall be fined not less than five dollars nor more than twenty dollars for each offense.

TEXTBOOKS

301.1. Adoption—Purchase and Sale. The board of directors of each and every school corporation is hereby authorized and empowered to adopt textbooks for the teaching of all branches that are now or may hereafter be authorized to be taught in the public schools of the state, and to contract for and buy said books and any and all other necessary school supplies at said contract prices, and to sell the same to the pupils of their respective districts at cost, loan such text books to such pupils free, or rent them to such pupils at such reasonable fees as the board shall fix, and said money so received shall be returned to the general fund.

LEVY

429.3. Division of Money Collected. The millage tax provided for in section 429.2 shall be in lieu of all other taxes upon moneys and credits and shall be levied by the board of supervisors, placed upon the tax list and collected by the county treasurer, and the amount collected in each taxing district in cities and towns shall be apportioned twenty per cent to the county general fund, thirty per cent to the city or town general fund, and fifty per cent to the general fund of the school district, and the amount collected in each taxing district, outside of cities and towns shall be apportioned fifty per cent to the county general fund and fifty per cent to the general fund of the school district.

Library Service. The duties of the Iowa State Traveling Library,—it may develop and adopt plans to provide more adequate library service for all residents of the state. Operate traveling libraries and circulate books under their control or subsequently acquired within the state to libraries, regional libraries, schools, colleges, universities, library associations, farmers' institutes, granges, study clubs, charitable and penal institutions and individuals, free of cost except for transportation.

COUNTY ATTORNEY

336.2. Duties. It shall be the duty of the county attorney to:

7. Give advice or his opinion in writing, without com-

pensation, to the board of supervisors and other county officers and to school and township officers, when requested so to do by such board or officer, upon all matters in which the state, county, school, or township is interested, or relating to the duty of the board or officer in which the state, county, school or township may have an interest; but he shall not appear before the board of supervisors upon any hearing in which the state or county is not interested.

Specific Powers and Duties of State Comptroller—House File 565. Section 1. Section eight point six (8.6), Code 1950, subsection nine (9), is hereby amended by striking from line three (3) the words "and September."

DEPOSIT OF PUBLIC FUNDS

453.1. Deposits in General. The treasurer of state, and of each county, city, town, and school corporation, and each township clerk and each county recorder, auditor, sheriff, clerk and bailiff of municipal court, and clerk of the district court, and each secretary of a school board shall deposit all public funds in their hands in such banks as are first approved by the executive council, board of supervisors, city or town council, board of school directors, or township trustees, respectively. The term "bank" shall embrace any corporation, firm, or individual engaged in a general banking business.

453.2. Approval Requirements. The approval of a bank as a depository shall be by written resolution or order which shall be entered of record in the minutes of the approving board, and which shall distinctly name each bank approved, and specify the maximum amount which may be kept on deposit in each such bank.

453.3. Increase Conditionally Prohibited. The maximum amount so permitted to be deposited in a named bank shall not be increased except with the approval of the treasurer of state.

453.4. Location of Depositories. Deposits by the treasurer of state shall be in banks located in this state; by a county officer, in banks located in his county or in an adjoining county within this state; by a city or town treasurer, in banks located in the city or town, but in the event there is no bank in such city or town, then in any other bank located in this state which shall be selected as such depository by the city or town, then in any other bank located in this state which shall be selected as such depository by the city or town council; by a school treasurer, or by a school secretary in a bank within this state which shall be selected by the board of directors or the trustees of such school districts; by a township clerk in a bank located within this state which shall be selected by such township clerk and approved by the trustees of such township. Provided, that deposits may be made in banks

outside of Iowa for the purpose of paying principal and interest on bonded indebtedness of any municipality when such deposit is made not more than ten days before the date such principal or interest becomes due.

453.5. Refusal of Deposits—Procedure. If none of the duly approved banks will accept said deposits under the conditions herein described or authorized, said funds may be deposited in any approved banks conveniently located within the state.

NON-PROFIT SCHOOL LUNCH PROGRAM

Maintenance and Operation

Senate File 228, 54th G.A. 1951

Section 1. Definitions. For the purpose of this act:

1. "School board" means a board of school directors regularly elected by the qualified voters of a school corporation or district of the state of Iowa.

2. "School" means a public school of high school grade or under.

3. "School lunch program" means a program under which lunches are served by any public school in the state of Iowa on a non-profit basis to children in attendance, including any such program under which a school receives assistance out of funds appropriated by the congress of the United States.

Sec. 2. School boards. School boards shall have power to operate or provide for the operation of school lunch programs in schools under their jurisdiction, and may use therefor funds disbursed to them under the provisions of this act, gifts, funds received from sale of school lunches under such programs, and any other funds legally available.

Sec. 3. Expenditure of federal funds. The superintendent of public instruction is hereby authorized to accept and direct the disbursement of funds appropriated by any act of congress and appropriated to the state of Iowa for use in connection with school lunch programs. The superintendent of public instruction shall deposit all such funds with the treasurer of the state of Iowa, who shall make disbursements therefrom upon the direction of the superintendent of public instruction.

Sec. 4. Administration of program. The superintendent of public instruction may enter into such agreements with any agency of the federal government, with any school board, or with any other agency or person, prescribe such regulations, employ such personnel, and take such other action as he may deem necessary to provide for the establishment, maintenance, operation, and expansion of any school lunch program, and to direct the disbursement of federal and state funds, in accordance

with any applicable provisions of federal or state law. The superintendent of public instruction may give technical advice and assistance to any school board in connection with the establishment and operation of any school lunch program and may assist in training such personnel engaged in the operation of such program. The superintendent of public instruction and any school board may accept any gift for use in connection with any school lunch program.

Sec. 5. Accounts, records, reports, and operations. The superintendent of public instruction shall prescribe regulations for the keeping of accounts and records and the making of reports by or under the supervision of school boards. Such accounts and records shall at all times be available for inspection and audit by authorized officials and shall be preserved for such period of time, not in excess of five (5) years, as the superintendent of public instruction may lawfully prescribe. The superintendent of public instruction shall conduct or cause to be conducted such audits and inspections with respect to school lunch programs as may be necessary to determine whether its agreement with school boards and regulations made pursuant to this act are being complied with, and to insure that school lunch programs are effectively administered.

Income Tax—Decreasing Rate and Increasing Deductions. House File 109, 54th G. A. 1951.

Section 1. Section four hundred twenty-two point five (422.5). Iowa Code of 1950, is amended by inserting a paragraph after line twenty-four (24) as follows:

"The rates herein provided are hereby reduced twenty-five per cent (25%) on all taxable income earned in 1951 and 1952, and this provision shall apply to returns made on a fiscal year basis for any fiscal year beginning after January 1, 1951."

Sec. 2. Section four hundred twenty-two point twelve (422.12), Code 1950, is hereby amended by adding the following paragraph:

"For the years 1951 and 1952, the deductions from the computed tax shall be as follows:

1. For a single individual, fifteen dollars.
2. For husband and wife or head of a family, thirty dollars.
3. For each child under the age of twenty-one years who is actually supported by and dependent upon the taxpayer for his support, an additional seven dollars fifty cents.
4. For each actual dependent other than as specified in subsection 3 of this section, the taxpayer may deduct the sum of seven dollars fifty cents; or in lieu thereof in the case of a father, mother, or grandparent dependent upon the taxpayer, the taxpayer in computing the net

income may make deduction therefrom of four hundred fifty dollars for such dependent."

Sec. 3. Amend section four hundred twenty-two point thirteen (422.13), Code 1950, by adding the following:

"For the years 1951 and 1952, a return shall be made by an individual as follows:

1. Every individual having a net income for the tax year from sources taxable under this division, of \$1500.00 or over, if single, or if married and not living with husband or wife; or having a net income for the tax year of \$2350.00 or over, if married and living with husband or wife, shall make and sign a return, stating specifically the items of gross income and the deductions and exemptions allowed by this division.

2. If husband and wife living together have an aggregate net income of \$2,000.00 or over, each shall make such a return, unless the income of each is included in a single joint return."

Sec. 4. Amend section one (1), chapter forty-one (41), Acts of the Fifty-third General Assembly by striking all after the word "basis" in lines six (6) and seven (7).

Sec. 5. Amend section one (1), chapter one (1), Acts of the Fifty-second General Assembly, Extraordinary session by striking all after the word "basis" in lines six (6) and seven (7).

Musical Education of School Children During Vacations—Continuation of. Senate File 332, 54th G.A. 1951.

Section 1. Section three hundred seventy-five point one (375.1) is hereby amended as follows:

1. Strike from lines twenty-one (21) and twenty-two (22) the following words: "and not more than one hundred twenty-five thousand."

2. Strike the period (.) after the word "purposes" in line twenty-six (26) and adding thereto the following: "and for the continuance of musical education of children of such cities having a population of over forty thousand."

Sec. 2. Section three hundred seventy-five point six (375.6) is amended by striking the period after the word "commission" in line four (4) thereof and adding the following: "and in cities having a population of over forty thousand (40,000), the said fund shall be administered by the park commissioner, or park board in cities having a population of one hundred twenty-five thousand (125,000) or more as provided for in chapter three hundred seventy (370)."

STATE AID FOR VOCATIONAL EDUCATION

Federal and State Aid—Conditions. Senate File 188, 54th G.A. 1951.

Section 1. Sections two hundred fifty-eight point five (258.5) and two hundred fifty-eight point eight (258.8),

Code 1950, are hereby repealed and the following substituted in lieu thereof:

"Whenever a school district maintains an approved vocational school, department, or classes in accordance with the rules and regulations established by the state board and the state plan for vocational education, adopted by that board and approved by the U. S. office of education or other federal agency to which its functions are assigned, the state board shall reimburse such school district at the end of the fiscal year for its expenditures for salaries and authorized travel of vocational teachers from federal and state funds: Provided, that no school district shall receive from federal and state funds a larger amount than one-half the sum which has been expended by the school district for that particular type of program; further, provided that in the event federal and state funds are not sufficient to make such reimbursement to the extent herein provided, the state board shall prorate the respective amounts available to the districts entitled to such reimbursement.

"The state board shall have the authority to use federal funds to reimburse approved teacher training schools, departments, or classes for the training of teachers of agriculture, home economics, trades and industrial education, distributive education, and for the training of guidance counselors."

Sec. 2. Section two hundred fifty-eight point six (258.6) is amended by inserting the words "and state" after the word "federal" in line five (5) and inserting words "and authorized travel" after the word "salaries" in line five (5).

Sec. 3. There is hereby created as a permanent fund in the office of the state board for vocational education a fund to be known as the vocational education aid fund to be used for reimbursement to local districts for programs of vocational education conducted in accordance with the provisions of this chapter, and for the purpose of establishing and maintaining such fund for each fiscal year beginning July 1, 1951, there is appropriated thereto from funds in the general fund not otherwise appropriated the sum of two hundred thousand dollars (\$200,000.00), or so much thereof as may be necessary.

CONSTRUCTION—TERMINATION OF CONTRACTS BECAUSE OF NATIONAL EMERGENCY

House File 288, 54th G.A. 1951.

Section 1. In the event work or construction upon a public improvement is stopped directly or indirectly by or as the result of an order or action of any federal or state authority or of any court because of the occurrence

or existence of a situation which the President or the Congress of the United States has declared to be national emergency, and the circumstances or conditions are such that it is and will be impracticable to proceed with such work or construction, then the public corporation and the contractor or contractors may, by written agreement terminate said contract. Such an agreement shall include the terms and conditions of the termination of the contract and provision for the payment of compensation or money, if any, which any party shall pay to the other, or any other person, firm or corporation under the facts and circumstances in the case.

Sec. 2. Whenever a public corporation and a contractor or contractors, have entered into a contract for the construction of a public improvement, and any party to such contract desires to terminate said contract because of the occurrence of the event and under the circumstances stated in section one (1) hereof, and another party thereto will not agree to such termination, or said parties having agreed upon the termination of the contract cannot agree upon the terms and conditions thereof, then any party may have the issues in dispute determined in the manner hereinafter provided.

Sec. 3. Any party to the contract may have the issue in dispute determined by filing in the district court of the county in which the public improvement or any part thereof is located a verified petition which shall allege in detail the ultimate facts upon which the petitioner relies for the termination of such contract. All subcontractors and the sureties upon all bonds given in connection with the contract and subcontracts shall be made parties to the proceeding.

Sec. 4. The rules of civil procedure shall be applicable to such action. The cause shall be tried forthwith in equity, and the court shall give such cases preference over other cases, except criminal cases.

Sec. 5. The district court shall have jurisdiction of the issue which is thus presented, and of all parties including any public corporation as defined in this Act. The court shall make findings and render its judgment determining the issues involved in accordance with the purpose and spirit of this Act.

Sec. 6. Any party aggrieved by the findings and judgment of the district court may appeal to the supreme court as in other cases and the case shall be given preference over other cases in the supreme court.

Sec. 7. If the court determines that said contract should be terminated, or if the parties have agreed to its termination, the court shall include in its order:

1. The terms and conditions imposed upon each party to the contract, including the extent of the liability of the sureties upon any bond;

2. The protective requirements, if any be deemed necessary, to protect the property, and provision for the payment of the cost thereof;

3. The determination of the relative rights of the parties involved, including the compensation or payments, if any, which any party shall pay to any other person, firm or corporation under the facts and circumstances of the case.

If the court determines that the contract shall not be terminated, it shall state in its order the reasons therefor. The court shall adjust and assess the costs in such manner as may be equitable and fair under the circumstances.

Sec. 8. In no event shall the public corporation pay or be required to pay compensation or monies in excess of the total compensation stated in the contract for the construction of the public improvement.

Sec. 9. The provisions of this Act shall not apply unless it is specifically contracted for between the contracting parties.

Sec. 10. For the purposes of this Act:

1. "Public corporation" shall embrace the state, and all counties, cities, towns, public school corporations, drainage districts, and all officers, boards or commissions empowered by law to enter into contracts for the construction of public improvements;

2. "Public improvement" is one, the cost of which is payable from taxes or other funds under the control of the public corporation;

3. "Construction" shall, in addition to its ordinary meaning, embrace repair and alteration.

Sec. 11. This Act being deemed of immediate importance shall be in force and effect upon its publication in The Clayton County Register, a newspaper published at Elkader, Iowa, and in The Oakland Acorn, a newspaper published at Oakland, Iowa.

GENERAL INDEX For Quick Reference

| | Pages |
|--|-----------------|
| Absent voter's law | 51 |
| Admission and exclusion of pupils | 9 |
| Annual statement | 59 |
| Annual report | 65 |
| Appeals to county superintendent | 62 |
| Appropriation | 7, 71, 72, 70 |
| Authorization and sale of public bonds | 77 |
| Audit of school records | 16-18 |
| Ballots printed | 46 |
| Board of educational examiners | 1 |
| Books, purchase of and distribution of | 68 |
| Bond tax | 76, 80 |
| Bonds, secretary and treasurer | 63 |
| Budget hearing | 5 |
| Bus drivers | 23, 24 |
| Bus routes | 6, 38-41, 21-24 |
| Canvassing the vote and returns | 48 |
| Census | 57 |
| Charitable institutions, children of | 36 |
| Closing small schools | 56, 57 |
| Claims and bills, audited and allowed | 58 |
| Compulsory education | 82, 83 |
| Comptroller, authority of | 6, 75 |
| Comptroller, specific powers of | 7, 84 |
| Comptroller, duties of | 66 |
| Construction, termination of contract | 7, 88-90, 99 |
| County Attorney, duties of | 83, 84 |
| County board of education | 10-12 |
| Contract with contractor | 30 |
| County school system | 10-12 |
| Contest of elections | 48 |
| Contracts with teachers | 54-56 |
| Deposit of public funds | 84 |
| Designations | 37, 38 |
| Department of public instruction | 1 |
| Directors, powers and duties of | 52 |
| Directors in new districts | 49 |
| Discharge of teachers | 58 |
| Disputes, hearing and appeals | 34, 35 |
| Election procedure | 2 |
| Electors, powers of | 51 |
| Exchange of teachers | 54, 55 |
| Exclusion of pupil and suspension | 61 |
| Failure, penalties | 51 |
| Financial statement, publication | 59, 60 |
| Free text books | 58 |
| Funds, general and school house | 65 |

| | Pages |
|------------------------------------|-------------|
| Funding or refunding bonds | 76 |
| General fund | 6, 75 |
| General state aid | 8, 72 |
| General school aid | 72-74 |
| High School outside home district | 62 |
| Income Tax | 6, 86 |
| Indebtedness of school district | 77 |
| Insurance | 58 |
| Inter-County bus routes | 40 |
| Judges of election | 47 |
| July meeting | 4 |
| Levy, division of money collected | 83 |
| Library service | 83 |
| Library, contract for use of | 75 |
| Library fund | 66 |
| Local Levys | 5 |
| Method of voting | 47 |
| Monthly financial statement | 63 |
| Musical education | 7, 87 |
| Nomination required | 45 |
| Notice of election | 44, 45 |
| Number of schools | 54 |
| Oath required | 47 |
| Oath of office | 2, 3, 49 |
| Offsetting tax | 61 |
| Old Age and survivor insurance | 7, 8, 18-21 |
| Organization meeting | 3 |
| Partial payment-interests | 65 |
| Permanent school funds | 7, 66 |
| Petition for election | 78 |
| Polling place | 46 |
| Polls, opening of | 46 |
| Powers and duties, transportation | 31-34 |
| Precincts for voting | 45 |
| Proceedings of new board | 3 |
| Propositions, submission of | 51 |
| Qualifications, school officers | 49 |
| Quorum, what constitutes | 53 |
| Readmission of Pupil | 61 |
| Regular elections | 44 |
| Reimbursement, transportation | 27, 28 |
| Renting school room | 80 |
| Reorganization of school districts | 12-16 |
| Repair of school house | 79, 80 |
| Retiring board | 3 |
| Right to vote | 47 |
| Rural independent district | 2 |
| School age | 60 |
| School boards, number on | 48 |
| School bonds, when authorized | 76, 77 |
| School buses | 6, 21, 22 |

| | Pages |
|---|---------------------|
| School census | 57, 64 |
| School elections | 44, 51 |
| School facilities, discontinuance of | 61 |
| School house and school house sites | 78, 79 |
| School house sites, acreage limitation | 7, 78, 79 |
| School libraries | 66 |
| School lunch programs | 6, 71, 85, 86 |
| School officers, compensation of | 59 |
| School privileges, closed schools | 35, 36 |
| School taxes | 75 |
| School warrants, issuance of | 58, 63 |
| School year | 54 |
| Secretary, duties of | 63 |
| Secretary, reports by | 64 |
| Settlement with treasurer | 59 |
| Sick leave | 8 |
| Special elections | 44 |
| Special meetings | 52 |
| Special sub-district school house tax | 52 |
| Specified school aid | 7, 71 |
| Standard rural schools | 68 |
| State aid to school districts | 69 |
| Subdistrict election | 2 |
| Superintendents—terms | 56 |
| Supplemental aid | 7, 71 |
| Surrendering office | 50 |
| Teachers certificates | 6, 54, 82 |
| Teachers, duties of | 82 |
| Teachers, qualifications and compensation | 81 |
| Teachers contracts | 54-56 |
| Temporary officers | 53 |
| Term of office | 49 |
| Tie vote | 2, 48 |
| Transportation | 6, 38-41, 7, 71, 24 |
| Transportation, report by secretary | 29 |
| Transportation, procedure | 36-41 |
| Transportation funds | 75 |
| Treasurers | 49 |
| Treasurers, duties of | 65 |
| Transfer of funds | 59 |
| Textbooks, adoption, purchase and sale of | 83 |
| Use forbidden | 80 |
| Vacancies, how filled | 50, 53 |
| Vocational education | 1, 6, 87, 88 |
| Veterans Administration | 7, 70 |
| Visiting schools, by director | 58 |
| Voting bonds | 52 |
| Voting, method of | 47 |
| Voting precincts | 45 |

